SUPPLEMENT NO. 72
September 2016

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5035, adopted June 28, 2016.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
TOC-1	TOC-1
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
SH-3	SH-3
2-1—2-4.1	2-1—2-4.1
2-9—2-21	2-9—2-21
3-1—3-38	3-1—3-40
4-1—4-68	4-1—4-77
5-1—5-20.4	5-1—5-20.4.5
5-24.3, 5-24.4	5-24.3, 5-24.4
5-25, 5-26	5-25—5-26.1
5-29, 5-30	5-29—5-30.1
5-35	5-35
6-19—6-24.1	6-19—6-24.1
6-29—6-46	6-29—6-36
7-7, 7-8	7-7, 7-8
7-13—7-14.2	7-13—7-14.1
9-1—9-22	9-1—9-35
11-13—11-16	11-13—11-16.3
11-44.1—11-46	11-45—11-46.1
11-52.1—11-52.18	11-52.1—11-52.21
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11-95, 11-96	11-95, 11-96
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SUPPLEMENT NO. 71
July 2016

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 5015, adopted May 14, 2016.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxxv, cxxxvi
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5-35	5-35
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SUPPLEMENT NO. 70
March 2016

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4988, adopted February 20, 2016.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxxiii, cxxxiv
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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SUPPLEMENT NO. 69
December 2015

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4979, adopted December 12, 2015.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxxi, cxxxii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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	A-7
TOA-21	TOA-21

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SUPPLEMENT NO. 67
June 2015

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4948, adopted May 15, 2015.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxvii, cxxviii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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SUPPLEMENT NO. 66
April 2015

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4930, adopted Febrauary 21, 2015.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxiii—cxxvi
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SUPPLEMENT NO. 65
January 2015

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4915, adopted December 12, 2014.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
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4-67, 4-68	4-67, 4-68
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SUPPLEMENT NO. 64
November 2014

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4904, adopted October 18, 2014.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxxi, cxxii
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SUPPLEMENT NO. 63
July 2014

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4897, adopted June 24, 2014.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxix, cxx
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
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4-33—4-34.1	4-33—4-34.1
4-37—4-48	4-37—4-48.1
4-50.3, 4-50.4	4-50.3, 4-50.4
5-1—5-16.4	5-1—5-16.4
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7-17, 7-18	7-17—7-18.1
11-39, 11-40	11-39—11-40.1
11-44.1	11-44.1
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TOA-19	TOA-19, TOA-20
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SUPPLEMENT NO. 62
April 2014

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4865, adopted March 15, 2014.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxvii, cxviii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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8-11—8-14.1	8-11—8-14.1
11-57—11-72.1	11-57—11-69
11-79, 11-80	11-79—11-80.1
13-1—13-34	13-1—13-55
A-5	A-5
TOA-19	TOA-19
I-1—I-33	I-1—I-38

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SUPPLEMENT NO. 61
December 2013

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4839, adopted November 12, 2013.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxv, cxvi
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
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10-18.1—10-30.1	10-19—10-30.3
TOA-19	TOA-19
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SUPPLEMENT NO. 60
September 2013

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4825, adopted September 10, 2013.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
Title page	Title page
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	cxiii, cxiv
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
SH-1, SH-2	SH-1, SH-2
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TOA-19	TOA-19

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SUPPLEMENT NO. 59
June 2013

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4815, adopted June 15, 2013.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cxi, cxii
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
SH-1	SH-1, SH-2
5-17—5-20.2	5-17—5-20.2
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5-33—5-35	5-33—5-35
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A-5	A-5
TOA-19	TOA-19

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SUPPLEMENT NO. 58
April 2013

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4795, adopted March 12, 2013.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cix, cx
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
SH-1	SH-1
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SUPPLEMENT NO. 57
January 2013

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4774, adopted October 9, 2012.

See the Code Comparative Table for further information.

Remove Old Pages	*Insert New Pages*
	cvii, cviii
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
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August 2012

ERRATA 2

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Errata 2 is issued to revise pages printed in previous supplements, and should be inserted as directed below.

Remove Old Pages	*Insert New Pages*
Checklist of Up-to-Date Pages	Checklist of Up-to-Date Pages (following Table of Contents)
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SUPPLEMENT NO. 56
July 2012

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4769, adopted June 26, 2012

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	cv, cvi
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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SUPPLEMENT NO. 55
July 2011

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4734, adopted June 28, 2011.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	ciii, civ
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SUPPLEMENT NO. 54
January 2011

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4686, adopted November 13, 2010.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
	ci, cii
TOC-1	TOC-1
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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Errata
September 2010

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Errata is issued to revise pages printed in previous supplements, and should be inserted as directed be inserted as directed below.

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SUPPLEMENT NO. 53
July 2010

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4678, adopted June 22, 2010.

See the Table of Amendments for further information.

Remove Old Pages	*Insert New Pages*
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Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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11-90.1—11-90.4	11-90.1—11-90.4
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SUPPLEMENT NO. 52
April 2010

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4641, adopted December 12, 2009.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 51
February 2010

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4641, adopted December 12, 2009.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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SUPPLEMENT NO. 50
August 2009

ZONING ORDINANCE

County of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4609, adopted June 23, 2009.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	xvc, xvci
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SUPPLEMENT NO. 49
April 2009

ZONING ORDINANCE

County of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4565, adopted November 19, 2008.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 48
December 2008

ZONING ORDINANCE

County of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4565, adopted November 19, 2008.

See the Table of Amendments for further information.

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	xciii
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SUPPLEMENT NO. 47
October 2008

ZONING ORDINANCE

County of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4538, adopted May 13, 2008.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
	lxxxix, xc
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SUPPLEMENT NO. 46
July 2008

ZONING ORDINANCE

County of

ALEXANDRIA, VIRGINIA

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4527, adopted April 21, 2008.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 45
March 2008

ZONING ORDINANCE

County of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4514, adopted January 12, 2008.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxxxvii, lxxxviii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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7-13—7-14.1	7-13—7-14.1
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SUPPLEMENT NO. 44
September 2007

ZONING ORDINANCE

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4494, adopted June 26, 2007.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
iii	iii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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SUPPLEMENT NO. 43
July 2007

ZONING ORDINANCE

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4483, adopted May 12, 2007.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
	lxxxv, lxxxvi
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11-89—11-90.4	11-89—11-90.5
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SUPPLEMENT NO. 42
March 2007

ZONING ORDINANCE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4472, adopted January 20, 2007.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
iii	iii
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TOC-1	TOC-1
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SUPPLEMENT NO. 41
October 2006

ZONING ORDINANCE

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4457, adopted June 27, 2006.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
TOC-1	TOC-1
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SUPPLEMENT NO. 40
July 2006

ZONING ORDINANCE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4452, adopted May 2, 2006.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxxxi, lxxxii
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SUPPLEMENT NO. 39
January 2006

ZONING ORDINANCE

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4431, adopted November 12, 2005.

See the Table of Amendments for further information.

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SUPPLEMENT NO. 38
October 2005

ZONING ORDINANCE

City of

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This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4419, adopted June 28, 2005.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 37
April 2005

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4375, adopted January 25, 2005.

See the Code Comparative Table for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 36
January 2005

ZONING ORDINANCE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4362, adopted October 12, 2004.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxxi, lxxii
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SUPPLEMENT NO. 35
August 2004

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4328, adopted January 24, 2003.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxix, lxx
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SUPPLEMENT NO. 34
March 2004

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4310, adopted June 14, 2003.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
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SUPPLEMENT NO. 33
August 2003

ZONING ORDINANCE

City of

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Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4302, adopted June 10, 2003.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxvii, lxviii
TOC-1	TOC-1
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SUPPLEMENT NO. 32
May 2003

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4290, adopted February 11, 2003.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxv, lxvi
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SUPPLEMENT NO. 31
January 2003

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4282, adopted November 16, 2002.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxiii, lxiv
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
2-12.1—2-14	2-13—2-14.1
2-19	2-19
6-1—6-4.1	6-1—6-4.1
7-17—7-21	7-17—7-22
11-8.1—11-12.1	11-9—11-12.1
12-1—12-4	12-1—12-4.1
TOA-11	TOA-11

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SUPPLEMENT NO. 30
October 2002

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4265, adopted September 10, 2002.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lxi, lxii
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
A-1, A-2	A-1, A-2
TOA-11	TOA-11

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SUPPLEMENT NO. 29
June 2002

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4254, adopted May 18, 2002.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lix. lx
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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TOA-11	TOA-11

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SUPPLEMENT NO. 27
January 2002

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4226, adopted November 17, 2001.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	lv, lvi
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
11-89—11-90.3	11-89—11-90.4
TOA-9, TOA-10	TOA-9, TOA-10

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SUPPLEMENT NO. 26
October 2001

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4205, adopted June 12, 2001.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	liii, liv
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
TOA-9, TOA-10	TOA-9, TOA-10

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SUPPLEMENT NO. 25
April 2001

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4191, adopted March 27, 2001.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
li	li, lii
	TOC-1
Checklist of up-to-date pages	Checklist of up-to-date pages (following Table of Contents)
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TOA-9, TOA-10	TOA-9, TOA-10

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SUPPLEMENT NO. 24
February 2001

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4181, adopted January 9, 2001.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
	xlix, l
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TOA-9, TOA-10	TOA-9, TOA-10

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SUPPLEMENT NO. 23
December 2000

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4157, adopted September 16, 2000.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
iii	iii
	xlvii, xlviii
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TOA-9, TOA-10	TOA-9, TOA-10

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SUPPLEMENT NO. 22
July 2000

ZONING ORDINANCE

City of

ALEXANDRIA, VIRGINIA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 4129, adopted April 15, 2000.

See the Table of Amendments for further information.

Remove old pages	*Insert new pages*
iii	iii
	xlv, xlvi
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TOA-9, TOA-10	TOA-9, TOA-10

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THE ZONING ORDINANCE

OF THE

CITY OF ALEXANDRIA, VIRGINIA

Published in 1992 by Order of the City Council

Adopted June 24, 1992
Effective June 24, 1992

Municipal Code Corporation | P.O. Box 2235 Tallahassee, FL 32316
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CITY OF ALEXANDRIA, VIRGINIA

MAYOR
William D. Euille

VICE MAYOR
Allison Silberberg

COUNCIL MEMBERS
John Taylor Chapman
Timothy Lovain
Redella S. Pepper
Paul C. Smedberg
Justin Wilson

CITY MANAGER
Rashad Young

CITY ATTORNEY
James L. Banks, Jr.

CITY CLERK AND CLERK OF COUNCIL
Jackie M. Henderson

PREFACE

This volume contains the Zoning Ordinance of the City of Alexandria, Virginia, as adopted by the Alexandria City Council on June 24, 1992.

The ordinance is printed herein substantially as enacted, except where deemed expedient for stylistic reasons or to facilitate indexing, words or phrases were added by the editors and are indicated by brackets.

A feature of this publication that is particularly useful is the comparative table of amendments. Any amendatory legislation may be located therein by number and date of enactment, and the individual section or subsection that was amended will be listed.

Index

The index has been prepared with the greatest of care. Each particular item has been placed under several headings, some of which are couched in lay phraseology, others in legal terminology, and still others in language generally used by local government officials and employees. There are numerous cross references within the index itself which stand as guideposts to direct the user to the particular item in which the user is interested.

Looseleaf Supplements

A special feature of this publication is the looseleaf system of binding and supplemental servicing of the publication. With this system, the publication will be kept up-to-date. Subsequent amendatory legislation will be properly edited and the appropriate page or pages affected will be reprinted. These new pages will be distributed to holders of copies of the publication, with instructions for the manner of inserting the new pages and deleting the obsolete pages.

Keeping this publication up-to-date at all times will depend largely upon the holder of the publication. As revised sheets are received, it will then become the responsibility of the holder to have the amendments inserted according to the attached instructions. It is strongly recommended by the publisher that all such amendments be inserted immediately upon receipt to avoid misplacing them and, in addition, that all deleted pages be saved and filed for historical reference purposes.

Acknowledgments

This publication was prepared under the direct supervision of Rebecca Deneve, Vice President-Electronic Publishing, and Anne Wilson, Editor-Electronic Publishing, of the Municipal Code Corporation, Tallahassee, Florida. Credit is gratefully given to the other members of the publisher's staff for their sincere interest and able assistance throughout the project.

The publisher is most grateful to Mr. Philip G. Sunderland, City Attorney, and Ms. Carmel Mills, Administrative Assistant, for their cooperation and assistance during the progress of the work on this publication. It is hoped that

their efforts and those of the publisher have resulted in the publication of a Zoning Ordinance which will make the active law of the city readily accessible to all citizens and which will be a valuable tool in the day-to-day administration of the city's affairs.

MUNICIPAL CODE CORPORATION
Tallahassee, Florida

ADOPTING ORDINANCE

ORDINANCE NO. 3614

AN ORDINANCE adopting a codification of the zoning regulations of the City of Alexandria, Virginia, entitled the City of Alexandria Zoning Ordinance, and for other related purposes.

WHEREAS, the City Council finds and determines that:

1. On June 24, 1992, city council adopted by Ordinance No. 3591 a document entitled Alexandria, Virginia, Zoning Ordinance, as the text of the zoning regulations of the City of Alexandria; and

2. It is necessary and desirable that the text of the said zoning regulations, together with such amendments thereto as may be adopted from time to time, be codified, printed and published so that the zoning regulations of the city in force and effect may more readily be known and ascertained; and

3. Pursuant to Section 3.14 of the city charter, the city attorney has caused to be prepared a codification of the said regulations, and caused same to be printed and compiled in loose leaf binder form, to be supplemented with replacement pages as subsequent amendatory legislation may require, and has caused to be prepared and will in the future cause to be prepared an index and other finding aids for such codification; and

4. In the course of preparing such codification, the city attorney has corrected unmistakable typographical and other errors and omissions in the type written text of the codification and has made such other technical and perfecting changes, alterations, modifications, additions and substitutions to the end that a complete codification might be presented with errors, inconsistencies, repetitions, ambiguities and conflicts eliminated; and

5. Based on the foregoing findings and all other facts and circumstances of which the city council may properly take notice in its capacity as the legislative body of the City of Alexandria, Virginia, adoption of this ordinance, pursuant to Section 3.14 of the city charter, is necessary and desirable to protect the public health, safety and general welfare; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That there is hereby adopted and published, as the text of the comprehensive zoning plan of the City of Alexandria, that certain codification, the title of which shall be the City of Alexandria Zoning Ordinance (Tallahassee, Fl.: Municipal Code Corporation, 1992), which is attached hereto and incorporated herein fully by reference.

Section 2. That so much of Section 1 of Ordinance No. 3591 as adopted the type written document entitled Alexandria, Virginia, Zoning Ordinance, as the text of the comprehensive zoning plan of the City of Alexandria be, and the same hereby is, repealed.

Section 3. That one copy of the City of Alexandria Zoning Ordinance, bearing the manual signature of the mayor and attested by the city clerk on the title page, shall be filed in the Office of the City Clerk, and shall be made available for public inspection during normal business hours.

Section 4. That the repeal of the type written text provided in Section 2, and the adoption of codified text provided in Section 1, of this ordinance shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred, prior to the time such repeal and adoption takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted as fully and to the same extent as if such repeal and adoption had not been effected.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ PATRICIA S. TICER
Mayor

Final Passage: February 9, 1993

ORDINANCE NO. 3708

An Ordinance Adopting Supplemental Pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as Amended, and Providing for the Repeal of Ordinances Not Included Therein, Except Those Saved From Repeal by This Ordinance, and for Other Purposes.

The City Council of Alexandria Hereby Ordains:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 1," are hereby adopted as and shall constitute "the First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 25, 1992, and October 26, 1993, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 25, 1992, and October 26, 1993, and which is inadvertently omitted from or erroneously incorporated into "The First Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 26, 1993.

Section 4. That one complete set of pages comprising "The First Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: February 22, 1994

ORDINANCE NO. 3720

An Ordinance Adopting Supplemental Pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as Amended, and Providing for the Repeal of Ordinances Not Included Therein, Except Those Saved From Repeal by This Ordinance, and for Other Purposes.

The City Council of Alexandria Hereby Ordains:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 2," are hereby adopted as and shall constitute "the Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 27, 1993, and February 22, 1994, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 27, 1993, and February 22, 1994, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Second Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after February 22, 1994.

Section 4. That one complete set of pages comprising "The Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: May 10, 1994

ORDINANCE NO. 3749

An Ordinance Adopting Supplemental Pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as Amended, and Providing for the Repeal of Ordinances Not Included Therein, Except Those Saved From Repeal by This Ordinance, and for Other Purposes.

The City Council of Alexandria Hereby Ordains:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 3," are hereby adopted as and shall constitute "the Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between February 23, 1994, and May 10, 1994, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between February 23, 1994, and May 10, 1994, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Third Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 10, 1994.

Section 4. That one complete set of pages comprising "The Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. This ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: September 13, 1994

ORDINANCE NO. 3770

An Ordinance Adopting Supplemental Pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as Amended, and Providing for the Repeal of Ordinances Not Included Therein, Except Those Saved From Repeal by This Ordinance, and for Other Purposes.

The City Council of Alexandria Hereby Ordains:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 4," are hereby adopted as and shall constitute "The Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 11, 1994, and June 28, 1994, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 11, 1994, and June 28, 1994, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fourth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 28, 1994.

Section 4. That one complete set of pages comprising "The Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 10, 1995

ORDINANCE NO. 3771

An Ordinance Adopting Supplemental Pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as Amended, and Providing for the Repeal of Ordinances Not Included Therein, Except Those Saved from Repeal by This Ordinance, and for Other Purposes.

The City Council of Alexandria Hereby Ordains:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 5," are hereby adopted as and shall constitute "The Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 29, 1994, and September 27, 1994, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 29, 1994, and September 27, 1994, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after September 27, 1994.

Section 4. That one complete set of pages comprising "The Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

PATRICIA S. TICER
Mayor

Final Passage: January 10, 1995

ORDINANCE NO. 3854

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 8," are hereby adopted as and shall constitute "The Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 18, 1995, and January 20, 1996, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 18, 1995, and January 20, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 20, 1996.

Section 4. That one complete set of pages comprising "The Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: March 26, 1996

ORDINANCE NO. 3884

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 9," are hereby adopted as and shall constitute "The Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 21, 1996, and May 18, 1996, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 21, 1996, and May 18, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Ninth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 18, 1996.

Section 4. That one complete set of pages comprising "The Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: September 10, 1996

ORDINANCE NO. 3889

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 10," are hereby adopted as and shall constitute "The Tenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Tenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 19, 1996, and June 25, 1996, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 19, 1996, and June 25, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Tenth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 25, 1996.

Section 4. That one complete set of pages comprising "The Tenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: October 23, 1996

ORDINANCE NO. 3904

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 11," are hereby adopted as and shall constitute "The Eleventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Eleventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 26, 1996, and October 23, 1996, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 26, 1996, and October 23, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eleventh Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 23, 1996.

Section 4. That one complete set of pages comprising "The Eleventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 14, 1997

ORDINANCE NO. 3905

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 12," are hereby adopted as and shall constitute "The Twelfth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twelfth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 24, 1996, and November 16, 1996, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 24, 1996, and November 16, 1996, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twelfth Supplement to The Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 16, 1996.

Section 4. That one complete set of pages comprising "The Twelfth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: January 14, 1997

ORDINANCE NO. 3926

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 13," are hereby adopted as and shall constitute "The Thirteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 17, 1996, and January 14, 1997, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 17, 1996, and January 14, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 14, 1997.

Section 4. That one complete set of pages comprising "The Thirteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: May 13, 1997

ORDINANCE NO. 3948

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 14," are hereby adopted as and shall constitute "The Fourteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fourteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 15, 1997, and June 24, 1997, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 15, 1997, and June 24, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fourteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 24, 1997.

Section 4. That one complete set of pages comprising "The Fourteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: September 9, 1997

ORDINANCE NO. 3977

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 15," are hereby adopted as and shall constitute "The Fifteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 25, 1997, and October 25, 1997, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 25, 1997, and October 25, 1997, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 25, 1997.

Section 4. That one complete set of pages comprising "The Fifteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: February 10, 1998

ORDINANCE NO. 3979

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 16," are hereby adopted as and shall constitute "The Sixteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 26, 1997, and January 24, 1998, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 26, 1997, and January 24, 1998, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 24, 1998.

Section 4. That one complete set of pages comprising "The Sixteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: March 10, 1998

ORDINANCE NO. 4018

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 17," are hereby adopted as and shall constitute "The Seventeenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Seventeenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 25, 1998, and May 16, 1998, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 25, 1998, and May 16, 1998, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventeenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 16, 1998.

Section 4. That one complete set of pages comprising "The Seventeenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Introduction: 9/8/98

First Reading: 9/8/98

Second Reading: 9/8/98

Final Passage: 9/8/98

ORDINANCE NO. 4037

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 18," are hereby adopted as and shall constitute "The Eighteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Eighteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 17, 1998, and December 12, 1998, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 17, 1998, and December 12, 1998, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Eighteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after December 12, 1998.

Section 4. That one complete set of pages comprising "The Eighteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: April 13, 1999

ADOPTING ORDINANCE

ORDINANCE NO. 4073

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 19," are hereby adopted as and shall constitute "The Nineteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Nineteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between December 13, 1998, and June 12, 1999, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between December 13, 1998, and June 12, 1999, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Nineteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 12, 1999.

Section 4. That one complete set of pages comprising "The Nineteenth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: September 28, 1999

ORDINANCE NO. 4095

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 20," are hereby adopted as and shall constitute "The Twentieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twentieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 13, 1999, and October 16, 1999, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 13, 1999, and October 16, 1999, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twentieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 16, 1999.

Section 4. That one complete set of pages comprising "The Twentieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

KERRY J. DONLEY
Mayor

Final Passage: December 14, 1999

ORDINANCE NO. 4109

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 21," are hereby adopted as and shall constitute "The Twenty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 17, 1999, and February 12, 2000, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 17, 1999, and February 12, 2000, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after February 12, 2000.

Section 4. That one complete set of pages comprising "The Twenty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

Kerry J. Donley
Mayor

Final Passage: March 14, 2000

ORDINANCE NO. 4150

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 22," are hereby adopted as and shall constitute "The Twenty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between February 12, 2000 and April 15, 2000, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between February 12, 2000, and April 15, 2000, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after April 15, 2000.

Section 4. That one complete set of pages comprising "The Twenty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: September 12, 2000

ORDINANCE NO. 4181

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 23," are hereby adopted as and shall constitute "The Twenty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between April 16, 2000 and September 16, 2000, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between April 16, 2000 and September 16, 2000 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after April 15, 2000.

Section 4. That one complete set of pages comprising "The Twenty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: January 9, 2001

ORDINANCE NO. 4193

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 24," are hereby adopted as and shall constitute "The Twenty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between September 17, 2000 and January 9, 2001, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between September 17, 2000 and January 9, 2001 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after September 16, 2000.

Section 4. That one complete set of pages comprising "The Twenty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: March 27, 2001

ORDINANCE NO. 4205

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 25," are hereby adopted as and shall constitute "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 10, 2001 and March 27, 2001, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 10, 2001 and March 27, 2001 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 9, 2001.

Section 4. That one complete set of pages comprising "The Twenty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY

Mayor

Final Passage: June 12, 2001

ORDINANCE NO. 4225

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 26," are hereby adopted as and shall constitute "The Twenty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between March 28, 2001 and June 12, 2001, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between March 28, 2001 and June 12, 2001 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 12, 2001.

Section 4. That one complete set of pages comprising "The Twenty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: Nov. 13, 2001

ORDINANCE NO. 4236

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 27," are hereby adopted as and shall constitute "The Twenty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 12, 2001 and November 17, 2001, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 12, 2001 and November 17, 2001, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 17, 2001.

Section 4. That one complete set of pages comprising "The Twenty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the

mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: February 12, 2002

ORDINANCE NO. 4247

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 28," are hereby adopted as and shall constitute "The Twenty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 17, 2001, and March 16, 2002, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 17, 2001, and March 16, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after March 16, 2002.

Section 4. That one complete set of pages comprising "The Twenty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: April 23, 2002

ORDINANCE NO. 4265

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 29," are hereby adopted as and shall constitute "The Twenty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Twenty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between March 17, 2002, and May 18, 2002, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between March 17, 2002, and May 18, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Twenty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 18, 2002.

Section 4. That one complete set of pages comprising "The Twenty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY

Mayor

Final Passage: September 10, 2002

ORDINANCE NO. 4274

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 30," are hereby adopted as and shall constitute "The Thirtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 18, 2002, and September 10, 2002, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 18, 2002, and September 10, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after September 10, 2002.

Section 4. That one complete set of pages comprising "The Thirtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: November 12, 2002

ORDINANCE NO. 4290

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 31," are hereby adopted as and shall constitute "The Thirty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between September 10, 2002 and November 16, 2002, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between September 10, 2002 and November 16, 2002, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 16, 2002.

Section 4. That one complete set of pages comprising "The Thirty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: Februay 11, 2003

ORDINANCE NO. 4302

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 32," are hereby adopted as and shall constitute "The Thirty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 16, 2002 and February 11, 2003, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 16, 2002 and February 11, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after February 11, 2003.

Section 4. That one complete set of pages comprising "The Thirty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ KERRY J. DONLEY
Mayor

Final Passage: June 10, 2003

ORDINANCE NO. 4316

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 33," are hereby adopted as and shall constitute "The Thirty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between February 11, 2003 and June 10, 2003, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between February 11, 2003 and June 10, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 10, 2003.

Section 4. That one complete set of pages comprising "The Thirty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: October 14, 2003

ORDINANCE NO. 4342

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 34," are hereby adopted as and shall constitute "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 10, 2003 and June 14, 2003, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 10, 2003 and June 14, 2003, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 14, 2003.

Section 4. That one complete set of pages comprising "The Thirty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: March 23, 2004

ORDINANCE NO. 4362

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 35," are hereby adopted as and shall constitute "The Thirty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 14, 2003 and January 24, 2004, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 14, 2003 and January 24, 2004, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 24, 2004.

Section 4. That one complete set of pages comprising "The Thirty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: October 12, 2004

ORDINANCE NO. 4403

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 36," are hereby adopted as and shall constitute "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 24, 2004 and October 12, 2004, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 24, 2004 and October 12, 2004, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 12, 2004.

Section 4. That one complete set of pages comprising "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: June 14, 2005

ORDINANCE NO. 4419

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 37," are hereby adopted as and shall constitute "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 12, 2004 and January 25, 2005, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 12, 2004 and January 25, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 25, 2005.

Section 4. That one complete set of pages comprising "The Thirty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: June 28, 2005

ORDINANCE NO. 4428

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 38," are hereby adopted as and shall constitute "The Thirty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 25, 2005 and June 28, 2005, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 25, 2005 and June 28, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 28, 2005.

Section 4. That one complete set of pages comprising "The Thirty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 9, 2005

ORDINANCE NO. 4436

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 39," are hereby adopted as and shall constitute "The Thirty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Thirty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 28,2005 and November 12, 2005, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 28,2005 and November 12, 2005, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Thirty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 12, 2005.

Section 4. That one complete set of pages comprising "The Thirty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: February 14, 2006

ORDINANCE NO. 4459

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 40," are hereby adopted as and shall constitute "The Fortieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fortieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 12, 2005 and May 2, 2006, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 12, 2005 and May 2, 2006, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fortieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 2, 2006.

Section 4. That one complete set of pages comprising "The Fortieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: September 12, 2006

ORDINANCE NO. 4478

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 42," are hereby adopted as and shall constitute "The Forty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 27, 2006, and January 20, 2007, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 27, 2006 and January 20, 2007, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty- Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 20, 2007.

Section 4. That one complete set of pages comprising "The Forty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 8, 2007

ORDINANCE NO. 4505

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages are identified in the lower left-hand corner by the notation "Supp. No. 43," and "Supp. No. 44," are hereby adopted as and shall constitute "The Forty-Third and Forty-Fourth Supplements to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Third and Forty-Fourth Supplements to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 20, 2007, and June 26, 2007, inclusive, and which are not included in such supplements or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 20, 2007 and June 26, 2007, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Third and Forty-Fourth Supplements to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 26, 2007.

Section 4. That one complete set of pages comprising "The Forty-Third and Forty-Fourth Supplements to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplements shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 19, 2007

ORDINANCE NO. 4538

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 45," are hereby adopted as and shall constitute "The Forty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 26, 2007 and January 12, 2008, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 26, 2007 and January 12, 2008, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after January 12, 2008.

Section 4. That one complete set of pages comprising "The Forty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: May 13, 2008

ORDINANCE NO. 4560

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 46," are hereby adopted as and shall constitute "The Forty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between January 12, 2008, and April 21, 2008, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between January 12, 2008, and April 21, 2008 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after April 21, 2008.

Section 4. That one complete set of pages comprising "The Forty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: October 14, 2008

ORDINANCE NO. 4565

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 47," are hereby adopted as and shall constitute "The Forty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between April 21, 2008, and May 13, 2008, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between April 21, 2008, and May 13, 2008 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 13, 2008.

Section 4. That one complete set of pages comprising "The Forty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: November 19, 2008

ORDINANCE NO. 4589

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 49," are hereby adopted as and shall constitute "The Forty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Forty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 13, 2008, and November 19, 2008, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 13, 2008, and November 18, 2008 inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Forty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 18, 2008.

Section 4. That one complete set of pages comprising "The Forty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: May 17, 2009

ORDINANCE NO. 4650

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 51," are hereby adopted as and shall constitute "The Fifty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 23, 2009 and December 12, 2009, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 23, 2009 and December 12, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after December 12, 2009.

Section 4. That one complete set of pages comprising "The Fifty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: April 13, 2010

ORDINANCE NO. 4657

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 52," are hereby adopted as and shall constitute "The Fifty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 23, 2009 and December 12, 2009, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 23, 2009 and December 12, 2009, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after December 12, 2009.

Section 4. That one complete set of pages comprising "The Fifty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 11, 2010

ORDINANCE NO. 4657

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 53," are hereby adopted as and shall constitute "The Fifty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between December 12, 2009 and June 22, 2010, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between December 12, 2009 and June 22, 2010,, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 22, 2010,.

Section 4. That one complete set of pages comprising "The Fifty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 14, 2010

ORDINANCE NO. 4704

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 54," are hereby adopted as and shall constitute "The Fifty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 22, 2010 and November 13, 2010, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 22, 2010 and November 13, 2010, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 13, 2010.

Section 4. That one complete set of pages comprising "The Fifty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: February 8, 2011

ORDINANCE NO. 4737

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 55," are hereby adopted as and shall constitute "The Fifty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 13, 2010 and June 28, 2011, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 13, 2010 and June 28, 2011, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 28, 2011.

Section 4. That one complete set of pages comprising "The Fifty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 27, 2011

ORDINANCE NO. 4774

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 56," are hereby adopted as and shall constitute "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 28, 2011 and June 26, 2012, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 28, 2011 and June 26, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 26, 2012.

Section 4. That one complete set of pages comprising "The Fifty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: October 9, 2012

ORDINANCE NO. 4795

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 57," are hereby adopted as and shall constitute "The Fifty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 26, 2012 and October 9, 2012 inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 26, 2012 and October 9, 2012, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 9, 2012.

Section 4. That one complete set of pages comprising "The Fifty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: March 12, 2013

ORDINANCE NO. 4804

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 58," are hereby adopted as and shall constitute "The Fifty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 9, 2012 and March 12, 2013 inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 9, 2012 and March 12, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after March 12, 2013.

Section 4. That one complete set of pages comprising "The Fifty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: May 14, 2013

ORDINANCE NO. 4825

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 59," are hereby adopted as and shall constitute "The Fifty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Fifty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between March 12, 2013 and June 15, 2013, inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between March 12, 2013 and June 15, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Fifty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 15, 2013.

Section 4. That one complete set of pages comprising "The Fifty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: September 10, 2013

ORDINANCE NO. 4839

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 60," are hereby adopted as and shall constitute "The Sixtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 15, 2013 and September 10, 2013 inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 15, 2013 and September 10, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after September 10, 2013.

Section 4. That one complete set of pages comprising "The Sixtieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 12, 2013

ORDINANCE NO. 4857

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 61," are hereby adopted as and shall constitute "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between September 10, 2013 and November 12, 2013 inclusive, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between September 10, 2013 and November 12, 2013, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after November 12, 2013.

Section 4. That one complete set of pages comprising "The Sixty-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: February 11, 2014

ORDINANCE NO. 4874

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 62," are hereby adopted as and shall constitute "The Sixty-[Second] Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between November 12, 2013 and March 15, 2014, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between November 12, 2013 and March 15, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after March 14, 2014.

Section 4. That one complete set of pages comprising "The Sixty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 13, 2014

ORDINANCE NO. 4898

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 63," are hereby adopted as and shall constitute "The Sixty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between March 15, 2014 and June 24, 2014, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between March 15, 2014 and June 24, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 24, 2014.

Section 4. That one complete set of pages comprising "The Sixty-Third Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 9, 2014

ORDINANCE NO. 4919

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 64," are hereby adopted as and shall constitute "The Sixty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between June 24, 2014, and October 18, 2014, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between June 24, 2014 and October 18, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after October 18, 2014.

Section 4. That one complete set of pages comprising "The Sixty-Fourth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE

Mayor

Final Passage: January 13, 2015

ORDINANCE NO. 4924

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 65," are hereby adopted as and shall constitute "The Sixty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between October 18, 2014 and December 12, 2014, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between October 18, 2014 and December 12, 2014, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after December 12, 2014.

Section 4. That one complete set of pages comprising "The Sixty-Fifth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: February 10, 2015

ORDINANCE NO. 4946

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 66," are hereby adopted as and shall constitute "The Sixty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between December 12, 2014 and February 21, 2015, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between December 12, 2014 and February 21, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after February 21, 2015.

Section 4. That one complete set of pages comprising "The Sixty-Sixth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: May 12, 2015

ORDINANCE NO. 4965

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 67," are hereby adopted as and shall constitute "The Sixty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between February 21, 2015 and May 15, 2015, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between February 21, 2015 and May 15, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 15, 2015.

Section 4. That one complete set of pages comprising "The Sixty-Seventh Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: September 9, 2015

ORDINANCE NO. 4971

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 68," are hereby adopted as and shall constitute "The Sixty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 15, 2015 and September 9, 2015, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 15, 2015 and September 9, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after September 9, 2015.

Section 4. That one complete set of pages comprising "The Sixty-Eighth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ WILLIAM D. EUILLE
Mayor

Final Passage: November 10, 2015

ORDINANCE NO. 4986

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 69," are hereby adopted as and shall constitute "The Sixty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Sixty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between September 9, 2015 and December 12, 2015, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between September 9, 2015 and December 12, 2015, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Sixty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after December 12, 2015.

Section 4. That one complete set of pages comprising "The Sixty-Ninth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG
Mayor

Final Passage: February 9, 2016

ORDINANCE NO. 5003

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 70," are hereby adopted as and shall constitute "The Seventieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Seventieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between December 12, 2015 and February 20, 2016, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between December 12, 2015 and February 20, 2016, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after February 20, 2016.

Section 4. That one complete set of pages comprising "The Seventieth Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG

Mayor

Final Passage: May 10, 2016

ORDINANCE NO. 5036

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 71," are hereby adopted as and shall constitute "The Seventy-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Seventy-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between February 20, 2016 and May 14, 2016, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between February 20, 2016 and May 14, 2016, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after May 14, 2016.

Section 4. That one complete set of pages comprising "The Seventy-First Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG

Mayor

Final Passage: September 17, 2016

ORDINANCE NO. 5040

AN ORDINANCE adopting supplemental pages for the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended, and providing for the repeal of ordinances not included therein, except those saved from repeal by this ordinance, and for other purposes.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the sections of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, as amended ("Zoning Ordinance"), and the portions thereof, set forth in the supplemental and replacement pages for the Zoning Ordinance, each of which pages is identified in the lower left-hand corner by the notation "Supp. No. 72," are hereby adopted as and shall constitute "The Seventy-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992."

Section 2. That the sections of the Zoning Ordinance, and the portions thereof, set forth in "The Seventy-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be in force and effect on and after the effective date of this ordinance, and all ordinances amending the text of the Zoning Ordinance which were adopted between May 14, 2016 and June 28, 2016, and which are not included in such supplement or in the Zoning Ordinance are hereby repealed, except as otherwise provided in section 3 of this ordinance.

Section 3. That the repeal provided for in section 2 of this ordinance shall not affect any offense or act committed or done, or any penalty or forfeiture incurred, or any contract established or accruing prior to the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to said date; nor shall it affect any provision of any ordinance amending the Zoning Ordinance which was adopted between May 14, 2016 and June 28, 2016, inclusive, and which is inadvertently omitted from or erroneously incorporated into "The Seventy-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992"; nor shall it affect any ordinance adopted after June 28, 2016.

Section 4. That one complete set of pages comprising "The Seventy-Second Supplement to the Zoning Ordinance of the City of Alexandria, Virginia, 1992," shall be stapled or otherwise permanently fastened together, shall be manually signed on the front sheet by the mayor and the city clerk, and shall be filed in the office of the city clerk and made available to any person desiring to inspect the same. In addition, one complete set of the pages comprising such supplement shall be properly inserted into the copy of the Zoning Ordinance of the City of Alexandria, Virginia, 1992, which bears the manual signatures of the mayor and the city clerk, and such code, as amended and supplemented, shall be kept on file in the office of the city clerk and be made available to any person desiring to inspect the same.

Section 5. That this ordinance shall become effective upon the date and at the time of its final passage.

/s/ ALLISON SILBERBERG
Mayor

Final Passage: November 9, 2016

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

In the first column all page numbers are listed in sequence. The second column reflects the latest printing of the pages as they should appear in an up-to-date volume. The letters "OC" indicate the pages have not been reprinted in the Supplement Service and appear as published for the original Code. When a page has been reprinted or printed in the Supplement Service, this column reflects the identification number or Supplement Number printed on the bottom of the page.

In addition to assisting existing holders of the Code, this list may be used in compiling an up-to-date copy from the original Code and subsequent Supplements.

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Supplement History Table

The table below allows users of this Code to quickly and accurately determine what ordinances have been considered for codification in each supplement. Ordinances that are of a general and permanent nature are codified in the Code Book and are considered "Includes." Ordinances that are not of a general and permanent nature are not codified in the Code Book and are considered "Omits."

In addition, by adding to this table with each supplement, users of this Code of Ordinances will be able to gain a more complete picture of the code's historical evolution.

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4680	9-14-10	Included
4686	11-13-10	Included
4688	11-13-10	Included
Supp. No. 55		
4704	2- 8-11	Included
4709	3-12-11	Included
4711	3-12-11	Included
4712	3-12-11	Included
4715	4-16-11	Included
4723	6-25-11	Included
4724	6-25-11	Included
4731	6-28-11	Included
4732	6-28-11	Included
4734	6-28-11	Included
Supp. No. 56		
4737	9-27-11	Included
4754	2-25-12	Included
4759	4-14-12	Included
4769	6-26-12	Included
Supp. No. 57		
4774	10- 9-12	Included
Supp. No. 58		
4787	2-23-13	Included
4789	2-23-13	Included
4791	2-23-13	Included
4793	2-23-13	Included
4795	3-12-13	Included
Supp. No. 59		
4797	4-13-13	Included
4798	4-13-13	Included
4804	5-14-13	Included
4813	6-15-13	Included

Ord. No.	Date Adopted	Included/Omitted
4814	6-15-13	Included
4815	6-15-13	Included
Supp. No. 60		
4821	6-25-13	Included
4825	9-10-13	Included
Supp. No. 61		
4832	10-19-13	Included
4839	11-12-13	Included
Supp. No. 62		
4849	1-25-14	Included
4851	1-25-14	Included
4852	1-25-14	Included
4857	2-11-14	Included
4861	3-15-14	Included
4864	3-15-14	Included
4865	3-15-14	Included
Supp. No. 63		
4843	11-16-13	Included
4844	11-16-13	Included
4858	2-22-14	Included
4866	4-12-14	Included
4874	5-13-14	Included
4892	6-14-14	Included
4894	6-14-14	Included
4895	6-24-14	Included
4897	6-24-14	Included
Supp. No. 64		
4898	9- 9-14	Included
4903	10-18-14	Included
4904	10-18-14	Included
Supp. No. 65		
4910	11-15-14	Included
4911	11-15-14	Included
4914	12-13-14	Included
4915	12-13-14	Included
Supp. No. 66		
4919	1-13-15	Included
4924	2-10-15	Included
4925	2-21-15	Included
4927	2-21-15	Included
4929	2-21-15	Included
4930	2-21-15	Included
Supp. No. 67		
4936	4-18-15	Included
4939	4-18-15	Included
4940	4-18-15	Included

SUPPLEMENT HISTORY TABLE

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4941	4-18-15	Included
4942	4-18-15	Included
4943	4-18-15	Included
4946	5-12-15	Included
4948	5-15-15	Included
Supp. No. 68		
4962	6-23-15	Included
4963	6-23-15	Included
4965	9- 9-15	Included
Supp. No. 69		
4971	11-10-15	Included
4974	11-14-15	Included
4979	12-12-15	Included
Supp. No. 70		
4986	2- 9-16	Included
4988	2-20-16	Included
Supp. No. 71		
4996	4-16-16	Included
4999	4-16-16	Included
5003	5-10-16	Included
5012	5-14-16	Included
5014	5-14-16	Included
5015	5-14-16	Included
Supp. No. 72		
5027	6-18-16	Included
5029	6-18-16	Included
5032	6-28-16	Included
5033	6-28-16	Included
5034	6-28-16	Included
5035	6-28-16	Included
Supp. No. 73		
5036	9-17-16	Included
5037	9-17-16	Included
5040	11- 9-16	Included

ARTICLE I. GENERAL REGULATIONS

Sec. 1-100 Title, purpose and intent of ordinance.
Sec. 1-200 General application of ordinance.
Sec. 1-300 Official zoning map and district boundaries.
Sec. 1-400 Interpretation of ordinance.
Sec. 1-500 Application to prior approvals and pending applications.
Sec. 1-600 Determination of vested rights.
Sec. 1-700 Establishment of zones.

Sec. 1-100 Title, purpose and intent of ordinance.

1-101 *Title.* This ordinance and the official zoning map made a part hereof shall be known and may be cited and referred to as the City of Alexandria Zoning Ordinance.

1-102 *Purpose and intent.* This ordinance is enacted in order to promote the health, safety and welfare of the residents of the City of Alexandria and to implement the consolidated master plan of the city. To these ends, the ordinance is designed to:

(A) Guide and regulate the orderly growth, development and redevelopment of the City of Alexandria in accordance with a well-considered plan and with long-term objectives, principles and standards deemed beneficial to the interest and welfare of the people.

(B) Protect the established character of existing residential neighborhoods and commercial and business areas and the social and economic well-being of the residents.

(C) Promote, in the public interest, the utilization of land for the purposes for which it is best adapted in harmony with the established character of the city.

(D) To reduce or prevent congestion in the public streets.

(E) To facilitate the creation of a convenient, attractive and harmonious community.

(F) To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities and other public requirements.

(G) To protect against destruction of, or encroachment upon, historic areas and archeological sites.

(H) To preserve existing and facilitate the provision of new housing that is affordable to all segments of the community.

(I) To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community

facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, panic or other dangers.

(J) To promote the public necessity, health, safety, convenience and general welfare by equitably apportioning the cost of providing the additional public facilities necessitated or required by development.

(K) Provide for the preservation of environmentally sensitive areas and urban forested lands.

(L) To promote tourism.

(M) To further the purposes of the city charter.

Sec. 1-200 General application of ordinance.

(A) *Territorial application.* The regulations and restrictions in this ordinance shall apply to all buildings, structures, land, water and uses within the territorial limits of the City of Alexandria, Virginia.

(B) *General application.* All buildings and structures erected hereafter, all uses of land, water or buildings established hereafter, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing uses occurring hereafter shall be subject to all regulations of this ordinance which are applicable to such buildings, structures, uses or land. Existing buildings, structures, and uses which comply with the regulations of this ordinance shall likewise be subject to all regulations of this ordinance and, if they do not comply with the regulations of this ordinance, shall be governed by the provisions of Article XII.

(C) *General prohibition.* No building or structure, no use of any building, structure or land, and no lot now or hereafter existing shall hereafter be established, altered, moved, divided or maintained in any manner except as authorized by the provisions of this ordinance.

(D) *Repeal of prior provisions.* Title 7, Chapter 6 of the city code, as adopted on December 28, 1951 and as amended from time to time thereafter, is hereby repealed in its entirety. Except as expressly provided in this ordinance, such repeal shall not affect or impair any act done, offense committed or right accruing, accrued or acquired, or liability, penalty, forfeiture or punishment incurred

prior to the time such repeal takes effect, but the same may be enjoyed, asserted, enforced, prosecuted or inflicted, as fully and to the same extent as if such repeal had not been effected.

(E) *Provisions declared invalid.* The several provisions of this ordinance shall be separable in accordance with the following rules:

(1) If any court of competent jurisdiction shall adjudge any provision of this ordinance to be invalid, such judgment shall not affect any other provisions of this ordinance.

(2) If any court of competent jurisdiction shall adjudge invalid the application of any provision of this ordinance to a particular property, building or structure, such judgment shall not affect the application of said provision to any other property, building or structure.

(F) *Conflicting provisions.* In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity, or general welfare. Whenever any provision of this ordinance imposes a greater requirement or a higher standard than is required in any state or federal statute or other city ordinance or regulation, the provision of this ordinance shall govern. Whenever any provision of any state or federal statute or other city ordinance or regulation imposes a greater requirement or a higher standard than is required by this ordinance, the provision of such state or federal statute or other city ordinance or regulation shall govern.

(G) This ordinance shall be and become effective upon its adoption on June 24, 1992.

Sec. 1-300 Official zoning map and district boundaries.

(A) *Zoning map.*

(1) The city is hereby divided into the zones provided in Articles III, IV, V and VI of this ordinance and as shown on the map entitled "Official Zoning Map, Alexandria, Virginia," which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be part of this ordinance.

(2) Regardless of the existence of purported copies of the official zoning map, the official zoning map shall be located in the office of the department of planning and zoning and shall be the final authority as to the current zoning status of land

and water areas, buildings and other structures in the city save for subsequent amendments enacted by the city council and not yet officially recorded on said map.

(3) No changes of any nature shall be made to the zoning map or any matter shown thereon except in conformity with the procedures and requirements of this ordinance and it shall be unlawful for any person to make unauthorized changes on the zoning map.

(B) *Zoning district boundaries.* Where uncertainty exists as to the boundaries of zones as shown on the official zoning map, the following rules shall apply:

(1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow center lines except where such location would change the zoning status of a lot or parcel, in which case the boundary shall be interpreted in such manner to avoid changing the zoning of any lot or parcel or portion thereof. In case of closure of a street or alley, or vacation of an easement, the boundary shall be construed as remaining at its prior location.

(2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.

(3) Boundaries indicated as following city limit lines shall be construed as following such city limits.

(4) Boundaries indicated as following railroad lines shall be construed to be at the center line of the railroad right of way.

(5) Boundaries indicated as following shorelines of bodies of water shall be construed to follow such shorelines, and in the event of change in the shoreline shall be construed as moving with the actual shoreline. Boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes or other bodies of water shall be construed to follow such center lines.

(6) Boundaries indicated as parallel to or extensions of features indicated in sections 1-300(B)(1) through (5) above shall be so construed. Distances and dimensions not specifically indicated on the official zoning map shall be determined from the scale of the map.

(7) Where natural or man-made features actually existing on the ground are at variance with those shown on the official zoning map, the director shall interpret the district boundaries.

(Ord. No. 3774, § 2, 1-21-95)

Sec. 1-400 Interpretation of ordinance.

(A) *Interpretation of terms.* For the purpose of this ordinance, the following words and terms are to be interpreted as follows:

(1) Tense, gender, singular, plural. Words used in the present tense can include the future; words used in the masculine gender can include the feminine and neuter; words in the singular number can include the plural; and words in the plural can include the singular, unless the obvious construction of the wording indicates otherwise.

(2) *Shall.* The word "shall" is mandatory.

(3) *Distances.* Unless otherwise specified, all distances shall be measured horizontally and at right angles to the line in relation to which the distance is specified.

(4) *Day.* Unless otherwise specified, the term "day" shall mean calendar day.

(5) *Land use.* The terms "land use" and "use of land" shall be deemed also to include building use and use of building.

(6) *Adjacent, abutting.* The word "adjacent" means nearby and not necessarily contiguous; the word "abutting" means touching and sharing a common point or line.

(7) *State, city.* The word "state" means the Commonwealth of Virginia. The word "City" means the City of Alexandria, Virginia.

(8) *City code.* The term "city code" means the Code of the City of Alexandria, Virginia.

(9) *Council, city council.* Wherever the words "council" or "city council" are used, they shall be construed to mean "the city council of the City of Alexandria."

(10) *Charter.* The word "charter" shall mean the Alexandria Charter of 1950, as amended from time to time.

(11) *Person.* The word "person" shall extend and be applied to associations, firms, partnerships and bodies politic and corporate as well as to individuals.

(12) *Computation of time.*

(a) Whenever a notice is required to be given, or an act to be done, a certain length of time before any proceeding shall be had, the day on which such notice is given, or such act is done, shall be counted in computing the time, but the day on which such proceeding is to be had shall not be counted.

(b) Whenever a notice is required to be given, or an act to be done, within a certain period of time after a decision or event, the day on which the decision or event occurs shall not be counted in computing the time, but the day on which such notice or act is required to be given or done shall be counted in computing the time.

(c) Except as may otherwise be expressly provided by law, when the last day fixed by any provision of this ordinance or by administrative regulation for the commencement of any proceeding, for a paper to be served, delivered, filed, or recorded, or for any other act to be done, in connection with any regulatory proceeding before any city officer, board, commission or agency, or before the city council, falls on a Saturday, Sunday, legal holiday observed by the Commonwealth of Virginia, or any other day on which the city manager authorizes the closing of city offices, the proceeding may be commenced, the paper may be served, delivered, filed or recorded, or the act may be done on the next succeeding day that is not a Saturday, Sunday, or such legal holiday or other day on which city offices are closed.

(13) *Headings and titles.* The headings and titles or catchlines of the several sections of this ordinance printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections, nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any such sections, including the catchlines, are amended or reenacted.

(B) *Interpretation of zone regulations.*

(1) If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be inter-

preted to be allowed only where the narrowly defined use is listed.

(2) Maximum height regulations shall be as specified in a given zone, except as may be qualified by section 6-400 regarding height districts.

(3) Maximum floor area ratio and maximum density shall be calculated as follows:

(a) In every zone, the maximum floor area ratio and maximum density specified for the zone shall be determined on the basis of the gross area of the lot or tract of land involved, which shall include:

(1) Areas to be dedicated for street purposes that are in excess of:

(a) 30 feet from the centerline in the instance of property located in the R-20 through R-2-5 zones, inclusive.

(b) 33 feet from the centerline in the instance of property located in each of the other zones.

(2) Areas located within fire, emergency vehicle, buffer, scenic, channel, bicycle, utility, park or sewer easements.

(b) Except as provided in subparagraph (c) below, compliance with floor area ratio and density requirements shall be determined separately for each individual lot of record.

(c) An applicant for a special use permit for a CDD pursuant to section 5-602(D), for development in a CRMU zone or for a cluster development may request that the land covered by the application be treated as a "tract" for purposes of calculating floor area ratio and density so as to achieve an overall figure that meets the requirements of the zone without regard to compliance on a lot by lot basis.

(d) Lots created for single-family and two-family dwellings shall not include areas used, in whole or in part, for public or private streets, including alleys or driveways providing access to three or more dwelling units. Lots created for townhouse dwellings shall not include areas used, in whole or in part, for public or private

streets, including alleys or driveways providing access to more than one dwelling unit, except as allowed pursuant to section 7-1600(F)(2).

(e) Single-family and two-family dwellings on lots which contain public or private streets, including alleys or driveways providing access to three or more dwelling units, and townhouse dwellings on lots which contain public or private streets, including alleys or driveways providing access to more than one dwelling unit, existing on March 1, 2000 or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of clause (d) of this paragraph, shall not be characterized as noncomplying structures or substandard lots, and shall be characterized as structures and lots grandfathered under prior law, pursuant to Section 12-500 of this ordinance.

(f) When calculating the floor area of an office, multifamily or mixed use building constructed after June 22, 2010, space devoted to day care facilities and programs offering early childhood education, elder care and other related services shall not be calculated as floor area, provided:

(1) A maximum of 10,000 square feet of floor area may be excluded under this provision;

(2) Space for which this floor area exclusion has been allowed shall remain devoted to day care facilities and programs offering early childhood education, elder care and other related services unless a special use permit is approved for alternative community facilities or civic functions, including public schools; community arts exhibition or performance space; private education center; neighborhood reading room or library; space for community meetings and functions; or a youth center.

(4) In the case of a conflict among various zone requirements, such as density, lot size, height and floor area ratio, permitted development shall comply with the most restrictive of such requirements.

(5) Where residential density is prescribed in a zone for single family, multifamily or townhouse dwellings, the same den-

sity limitation shall apply to alternative housing types allowed in such zone unless more than one residential density regulation is provided, in which case the density most appropriate to the specific form of alternative housing being provided shall apply.
(Ord. No. 3746, § 1, 6-28-94; Ord. No. 4120, § 1, 4-15-00; Ord. No. 4677, § 1, 6-22-10; Ord. No. 4897, § 1, 6-24-14)

Sec. 1-500 Application to prior approvals and pending applications.

(A) *Existing variances and special use permits or exceptions.* Any variance or special use permit or exception lawfully approved prior to June 24, 1992, or any amendment thereof, which could be lawfully approved pursuant to the provisions in effect after June 24, 1992 shall be deemed to be and continue valid after June 24, 1992. Any structure or use lawfully authorized by any such variance or special use permit which could not be so issued after June 24, 1992 shall be allowed to continue subject to the provisions of Article XII.

(B) *Right to complete construction pursuant to approved plans.*

(1) *Building permits issued prior to June 24, 1992.* Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

(a) A building permit for such structure was lawfully issued prior to June 24, 1992, or any amendment thereof; and

(b) Such permit had not by its own terms expired prior to June 24, 1992; and

(c) Such permit was lawfully and properly issued in accordance with the law prior to June 24, 1992; and

(d) Construction pursuant to such permit is commenced prior to the expiration of such permit and is thereafter diligently pursued to completion. The building official shall not grant more than two extensions of the period of validity of a construction permit, limited by section 109.8 of Volume I —New Construction Code of the Uniform Statewide Building Code.

(2) *Preliminary site plans approved prior to June 24, 1992.* Nothing in this ordinance shall be deemed to require any change in the plans, construction or designated use of any structure in the event that:

(a) A preliminary site plan for such development was lawfully approved prior to June 24, 1992; and

(b) Such prior approval continues in force and effect and has not expired prior to June 24, 1992 or does not thereafter expire; and

(c) Building permits are obtained and construction pursued in compliance with 1-500(B)(1)(d) above.

(3) *Right to occupy as nonconformity.* Upon completion pursuant to sections 1-500(B)(1) or (2), such structure may be occupied by, and a certificate of occupancy shall be issued for, the use designated on such permit, subject thereafter to the provisions of Article XII, if applicable.

(C) *Pending applications.*

(1) *Applicability.* This ordinance shall apply to all applications provided for under this ordinance which are pending and not yet finally decided on June 24, 1992.

(2) *Duty of city officials.* Within 20 days following June 24, 1992 any city official, department, bureau, agency, board or commission then having pending before it any application to which this ordinance applies shall transmit a copy of such application to the director.

(3) *Duty of planning director.* Within 30 days of June 24, 1992 the director shall inform each applicant named on each application referred to him pursuant to section 1-500(C)(2) that his application is subject to the provisions of this ordinance and will be processed in accordance therewith; that the applicant may within 30 days of the mailing of such notice refile, without fee, the application on the basis of this ordinance; and that if it is not so refiled, the application may be denied by the decision-making authority for said application for noncompliance with the provisions of this ordinance.

(4) *Duty of applicant.* Notwithstanding the foregoing provisions, it shall be the responsibility of each applicant having an application pending on June 24, 1992 to modify such application in accordance with the terms and provisions of this ordinance and the failure to do so may result in denial of such application for failure to comply with the provisions of this ordinance. The modification of an application shall be permitted at any time prior to the final disposition of such application and shall be permitted without payment of any additional fee.

(5) *Processing of pending applications.* Upon the refiling of any pending application as herein provided, or upon notification from the applicant that he will not refile or modify his application, such pending application shall be processed in accordance with the terms of this ordinance, and the date of refiling or notification shall be treated as the filing date of such application.

Sec. 1-600 Determination of vested rights.

(A) Upon application the city council may authorize, as a special use permit, a specific proposed development that is not permitted by the terms of the zoning ordinance whenever the council finds that the applicant has demonstrated that his rights to commence and complete such development have vested prior to the approval of a

rezoning that purports to curtail those rights, pursuant to the standards set out in sections 1-600(C), (D), and (E).

(B) Definition of terms.

(1) For the purpose of this section 1-600, an "investment-backed expectation" is defined as the expenditure of substantial sums of money which cannot be recovered or an irreversible change of position that imposes on the applicant an obligation to expend substantial sums of money in the future.

(2) For the purpose of this section 1-600, the "date of notice that rezoning is in progress" shall be the date that a notice of a public hearing on a proposed rezoning is first published in accordance with the provisions of section 11-300.

(C) In considering whether a development expectation has vested, the city council shall consider:

(1) Whether there has been an official act or approval of the city upon which the applicant in good faith has relied to his detriment in a manner that makes it inequitable to enforce the terms of the currently effective zoning regulations with respect to the applicant's property.

(2) The extent to which the applicant has, prior to the date of notice that rezoning is in progress, made a substantial commitment of money or resources directly associated with physical improvements on the land such as grading, excavation, installation of utility infrastructure or other public improvement, or for the design of specific buildings and improvements to be constructed on the site.

(3) The extent to which the applicant has secured permits for, and commenced or completed, the construction of subdivision improvements and buildings in part but not all of a development that was contemplated to extend over a period of months or years.

(4) Whether the applicant prior to the date of notice that rezoning is in progress has made contractual commitments to complete buildings and deliver title thereto or occupancy thereof.

(5) Whether the applicant prior to the date of notice that rezoning is in progress has incurred financial obligations to a lending institution which, despite a thorough review of alternative solutions, the applicant will be unable to meet

unless he is permitted to proceed with the proposed development.

(6) Whether enforcement of the terms of the zoning regulations complained about will expose the applicant to substantial monetary liability to third persons, or will leave the applicant completely unable, after a thorough review of alternative solutions, to earn a reasonable return on the property.

(7) Whether the right of the applicant to commence and complete the proposed development may have vested only with respect to an identifiable and discrete portion of the proposed development.

(D) The right of the applicant to commence and complete construction of a specific proposed development, or a portion thereof, is vested if the applicant can demonstrate that:

(1) The applicant owned the parcel proposed to be developed on the date of notice that rezoning was in progress with respect to such parcel and the specific development proposed for the parcel was then lawful and permitted.

(2) Applying the considerations set out in section 1-600(C), the development expectations of the applicant were reasonable and final when formulated and were investment-backed.

(3) Requiring that the applicant's property be developed in accordance with the currently effective zoning restrictions will, considering the investment of the applicant prior to the date of notice that rezoning is in progress, deprive the applicant of a reasonable rate of return on his investment. In determining the reasonableness of the projected rate of return, the following categories of expenditures shall not be included in the calculations of the applicant's investment:

(a) Expenditures for professional services that are unrelated to the design or construction of the improvements proposed for the projected development.

(b) Expenditures for taxes except for any increases in tax expenditures which result from governmental approvals or the construction of improvements on the property of the applicant.

(c) Expenditures which the applicant has allocated to the particular proposed development but which the applicant would have been obliged to incur as an ordinary and necessary business expense (for example, employee

salaries, equipment rental, chattel mortgage payments) had the plan for the particular development not been formulated.

(E) The fact the property has been or is in a particular zoning classification under this ordinance, or any prior zoning ordinance of the city, shall not, in itself, establish that an applicant's right to develop has vested.

(F) Any person, firm, or corporation having an ownership interest in property may file an application for a determination that the right to commence and complete a specific development on that property has vested. Such application shall be filed with the city council, shall contain a recital of the facts which are claimed to support the vested rights claim, and shall contain such other information as the director may specify.

(G) A public hearing shall be held by the city council on an application for a vested rights determination after giving the notice required by section 11-300.

(H) A stenographic transcript of the public hearing and the deliberations of the city council on vested rights applications shall be kept.

(I) Within 30 days after the public hearing on an application the city council shall file its written findings of fact and conclusions and serve the same by certified mail on the applicant.

(J) Any determination made by the city council with respect to the vesting of development rights shall be the minimum necessary to provide the applicant with a reasonable rate of return on his investment made before a notice of rezoning in progress with respect to his property.

(K) A determination of the city council with respect to the vested rights under this section 1-600 shall expire and be of no further force or effect unless construction is actually commenced within one year of the date the determination is made and thereafter diligently pursued.

(L) Any person, firm or corporation claiming a vested right to commence and complete a specific proposed development who does not file an application for a determination under this section 1-600 within six months of June 24, 1992 of the rezoning of his property that prohibits his proposed development shall be deemed to have waived his right to seek such a determination.

(M) In the event an application is filed under this section 1-600, the date of a decision on said application will be considered the date of the decision adopting the ordinance against which a vested right is claimed for purposes of Code of Virginia, § 15.1-493(G).

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:

POS/Public Open Space and Community Recreation Zone

WPR/Waterfront Park and Recreation Zone

R-20/Single-Family Zone

R-12/Single-Family Zone

R-8/Single-Family Zone

R-5/Single-Family Zone

R-2-5/Single and Two-Family Zone

RS/Townhouse Zone

RT/Townhouse Zone

RM/Townhouse Zone

RA/Multifamily Zone

RB/Townhouse Zone

RCX/Medium Density Apartment Zone

RC/High Density Apartment Zone

RD/High Density Apartment Zone

CL/Commercial Low Zone

CC/Commercial Community Zone

CSL/Commercial Service Low Zone

CG/Commercial General Zone

CR/Commercial Regional Zone

OC/Office Commercial Zone

OCM(50)/Office Commercial Medium Zone

OCM(100)/Office Commercial Medium Zone

CRMU-L/Commercial Residential Mixed Use (Low) Zone

CRMU-M/Commercial Residential Mixed Use (Medium) Zone

W-1/Waterfront Mixed Use Zone

CRMU-H/Commercial Residential Mixed Use (High) Zone

CD/Commercial Downtown Zone

CDX/Commercial Downtown Zone (Old Town North)

CRMU-X/Commercial Residential Mixed Use (Old Town North)

OCH/Office Commercial High Zone

CDD/Coordinated Development District

I/Industrial Zone

UT/Utilities and Transportation

(B) This ordinance also establishes the following as overlay zones:

Chesapeake Bay Preservation Area Overlay District

Floodplain District

Height Districts

Parker-Gray District

Old and Historic Alexandria District

Urban Overlay District

ARTICLE II. DEFINITIONS

Sec. 2-100 Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-101 *Abandonment.* To stop the use of property intentionally. When the use of a property has ceased and the property has been vacant for 12 months, abandonment of use will be presumed unless the owner can show that a diligent effort has been made to sell, rent or use the property for a legally permissible use. For the effect of abandonment on a noncomplying or nonconforming use, see Article XII.

2-102 *Abutting property.* All property that touches the property in question and any property that directly faces (and, in the case of a corner lot, diagonally faces) the property in question.

2-103 *Accessory building.* A subordinate building, the use of which is incidental to that of the main building or to the use of the premises.

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.

2-105 *Addition.* Any construction which increases the area or cubic content of a building or structure. The construction of walls which serve to enclose completely any portion of an existing structure, such as a porch, shall be deemed an addition within the meaning of this ordinance.

2-106 *Advertising structure.* Any sign or other object or structure serving primarily for advertising purposes, independent of any other structure.

2-107 *Alley.* A public or private right-of-way primarily designed to afford access to the side or rear of properties whose principal frontage is on a street.

2-108 *Alteration, nonstructural.* Any change in a structure or building other than a structural alteration.

2-109 *Alteration, structural.* Any change in the supporting members of a building such as bearing walls, columns, beams or girders, excepting such alterations as may be required for the safety of the building.

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 or tattoo 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.

2-112.1 *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.

2-112.2 *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 *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.

2-114 *Automobile oriented use.* A use of land which provides fuel or service directly to a motor vehicle or which provides goods and products to occupants of a motor vehicle while seated therein.

2-115 *Automobile repair, general.* Service and repair of motor vehicles including painting, body and fender work, frame straightening, undercoating, tire retreading or recapping, and the like.

2-116 *Automobile repair, light.* Service and repair work of automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, upholstering, engine or transmission including rebuilding or replacement, and replacement of small items but not to include general automobile repair services.

2-117 *Automobile service station.* Any premises used for supplying motor fuels and lubrication to vehicles, including but not limited to gasoline and oil, including minor accessories and light auto repair.

2-118 *Automobiles and trailer rental or sales area.* An automobile related use which may consist of:

(A) An open, outdoor display area for automobiles or trailers for rent, lease or sale; provided, that such display area shall not be used for required accessory parking, and no repair work of any description shall be performed on such display area;

(B) Buildings for the indoor display and sale of automobiles or trailers, and for the display and sale of motor vehicle tires, batteries, accessories, or parts, for accessory light automobile repair, or for accessory office and storage space; or

(C) Buildings for accessory general auto repair at the location of a franchised automobile dealership having at least 14,000 square feet of gross building floor area (including all buildings at the location) used in the operation of the dealership.

2-119 *Average finished grade.* The elevation obtained by averaging the finished ground surface elevation at intervals of 20 feet at the perimeter of a building.

2-119.1 *Average pre-construction grade.* The elevation obtained by averaging the ground surface elevation at intervals of 20 feet at the perimeter of a proposed building prior to construction.

2-119.2 *Awning or canopy.* A small roof projection without columns made of fabric or solid material, usually suspended or cantilevered from the building wall entrance(s) and/or windows.

2-120 *Basement.* A story partly or wholly underground. For the purpose of floor area measurement, a basement shall be counted as floor area where the average finished grade is four feet or more below the bottom of first floor construction.

2-121 *Bed and breakfast accommodation.* A single-family, two-family or townhouse dwelling in which, as an accessory use, no more than two bedrooms are made available for transient occupancy, generally for not more than a total of five guests at one time or for more than seven days per visit.

2-121.05 *Bedroom.* A room designated for sleeping that meets the standards for a sleeping room in the Virginia Uniform Statewide Building Code incorporated in the City of Alexandria Code by section 8-1-2 of the City Code.

2-121.1 *Block.* A parcel of land or group of lots completely surrounded by streets, or a parcel of land or group of lots having frontage along one side of a dedicated public street either in excess of 750 feet and consisting of five acres, or between two dedicated intersecting public streets, or between one dedicated intersecting public street and the corporate limits of the city.

2-122 *Block face.* The street frontage on both sides of a street located between two intersecting streets or one intersecting street and a street dead end; provided, that the street frontage between two intersecting streets or one intersecting street and a street dead end shall not constitute a block face if the frontage on either side of the street contains less than ten lots or is less than 400 feet in length, as measured along the front lot lines.

2-123 *Building.* A structure having a roof for the shelter, support or enclosure of persons, animals, chattels or property of any kind.

2-124 *Building or setback line.* A line beyond which no part of any building or structure except footings shall project.

2-125 *Building, public.* A building owned by a governmental agency. 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 ordinance wherever such use is allowed in the zones.

2-126 *Business and professional office.* Any room, studio, clinic, suite, clinic, suite or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects but not including offices for dentists, physicians or other medical practitioners, or for day labor agencies.

2-127 *Child care home.* A private family home which offers care, protection and supervision to no more than a total of nine children at a time under 12 years of age during any 24 hour period and then only for part of the 24 hour day.

2-127.1 *Check cashing business.* A business regulated by Section 6.2-2100 et seq. of the Virginia Code.

2-128 *Commission.* The City of Alexandria Planning Commission.

2-129 *Congregate housing facility.* A structure other than a single-family dwelling where unrelated persons reside under supervision or 24 hour on-site management and may receive special care, treatment or training, on a temporary or permanent basis.

2-130 *Convalescent home.* See nursing home.

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.

2-131.1 *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.

2-132 *Curb grade.* The elevation of the established curb in front of a building measured at the midpoint of the frontage of such building. Where no curb

exists, the director of transportation and environmental services shall establish the curb grade for the existing or proposed street in accordance with the existing master street grading plans of the city.

2-133 *Day care center.* A facility other than a private family dwelling which receives children or adults for care, protection and supervision during part of a 24-hour day unattended by a parent or guardian. The term includes a child care center, preschool, nursery school and day nursery, and includes half day and full day programs.

2-133.1 *Day labor agency.* A place where assignments for employment are made, characterized by the daily gathering of workers. A day labor agency operates a dispatch service at a location to which at least some of the workers physically report, apply and wait for work on a daily basis, and return at the conclusion of the work day to receive their pay. Day labor is labor that is occasional or irregular for which the laborer is assigned for not longer than the time period required to complete the assigned work. The majority of day laborers are not assigned to perform clerical, administrative or professional work.

2-134 *Director.* The director of planning and zoning unless otherwise indicated.

2-135 *Drive through facility.* Any use of land which provides goods or services to customers while the customer remains in his car, such as a drive-through bank or restaurant or, in addition, a car wash.

2-136 *Dwelling.* A building or portion thereof, which is designed or used exclusively for residential purposes.

2-137 *Dwelling, multifamily.* A building or portion thereof containing three or more dwelling units, located on a single lot or parcel of ground.

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.

2-139 *Dwelling, single-family.* A detached building, constituting one dwelling unit, designed for or intended to be occupied by one family. Only one single-family dwelling is permitted on any recorded lot.

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 wall) 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.

2-141 *Dwelling unit.* A group of one or more rooms designed for or intended for occupancy by a single-family. In determining whether a dwelling is a single-family dwelling, a two-family dwelling, a townhouse dwelling or a multifamily dwelling, consideration will be given to the separate use of or the provision made for cooking, heating and sanitary facilities whether installed or not; both the actual use to which the dwelling is being put and the potential use to which the dwelling might be put; and whether kitchen and bathroom facilities and bedrooms are so located as to provide privacy if occupied by an additional family. It is the intent of this provision to prohibit the installation of facilities in a dwelling unit which would extend the use of the premises for occupancy by more than one family.

2-142 *Elder care home.* A private family home which offers care, protection and supervision to no more than a total of nine adults over 55 years of age at any time during a 24 hour period and then only for part of the 24 hour day.

2-143 *Family.* A group of people living together as a single housekeeping unit and consisting of:

(A) One or more persons related by blood or marriage together with any number of natural, foster, step or adopted children, domestic servants, nurses and therapists and no more than two roomers or boarders; or

(B) Not more than four unrelated persons or two unrelated adults plus their children; or

(C) Those groups identified in Code of Virginia, § 15.2-2291(A), or like groups licensed by the Virginia Department of Social Services which otherwise meet the criteria of Code of Virginia, § 15.2-2291(A), and which have been determined by the director, following review and recommendation by the Alexandria Community Services Board (CSB), to be in compliance with CSB Policy No. 13 in effect at the time of such determination; or

(D) Any other housekeeping unit not specified above which may be approved through the issuance of a special use permit as being compatible with the character of the neighborhood in which it is to be located; provided, however, that such housekeeping unit shall not exceed nine persons.

(E) In calculating the number of persons permitted to constitute a family pursuant to subsections (C) and (D) of this section, a

maximum of eight children under the age of seven who live with their parent in a housekeeping unit may be counted according to the formula: two such children equal one person.

(F) The operation of the home permitted under section 2-143(C) may be directed and administered from the home. No other business of any type, including without limitation the direction and administration of other homes, shall be conducted in the home, except as may be authorized as a home occupation pursuant to section 7-300 of this ordinance. The operation of the home permitted under section 2-143(C) shall at all times comply with CSB Policy No. 13 in effect at the time of approval of the home.

2-144 *First floor*. The floor of a building which is at, or first above, average finished grade.

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), floor area is the sum of all gross horizontal areas under roof on a lot. These areas shall be measured from exterior faces of walls or any extended area under roof, but does not include areas under the eaves of the roof. 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. Excluded from floor area shall be:

(1) Stairs and elevators.

(2) Floor space used for water tanks and heating and cooling equipment (but not including ductwork, pipes, radiators or vents).

(3) Basements.

(4) Attic floor area with less than five feet of ceiling height as measured from the attic floor, or floor joists if there is no floor, to the bottom of the roof rafter or truss member supporting the outer roof structure.

(5) Open front porches and porticos in accordance with section 7-2504.

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

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 a roof or roofs. These areas shall be measured from the exterior faces of walls and from the eaves of all roofs where they extend beyond the wall line or from the center line of party walls and shall include all space with a headroom of seven feet six inches or more, whether or not provided with a finished floor or ceiling. Excluded shall be elevator and stair bulkheads, accessory water tanks, cooling towers and similar construction not susceptible to storage or occupancy. Basements and subbasements shall be excluded from the floor area ratio computations, but for the purpose of computing off street parking requirements that portion of such areas as are occupied by permitted uses shall be subject to the provisions of Article VIII.

2-146 *Floor area ratio.* The floor area ratio of the building or buildings on any lot or tract or tract of land is the total aggregate floor area of such building or buildings divided by the area of that lot or tract or tract of land.

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.

2-147 *Fraternal or private clubs.* An establishment of a private not-for-profit organization, including fraternal organizations, which provides social, phys-

ical, recreational, educational or benevolent services. Such establishment shall not be operated for the purpose of carrying on a trade or business, and no part of the net earnings shall inure to the benefit of any member of such organization or any other individuals, although regular employees may be paid reasonable compensation for services rendered.

2-148 *Freight distribution center.* Land and buildings used as a relay station for the transfer of a load from one vehicle to another or one party to another. The facility may include storage areas for trucks, buildings or areas for the repair of trucks associated with the terminal and areas for the temporary storage of loads in the process of being transferred.

2-148.1 *Front porch.* A covered landing attached to the exterior of a residential building and generally extending along a portion of or the entire length of the front building wall.

2-149 *Garage, private.* A building designed for the storage of not more than three motor-driven vehicles.

2-150 *Garage, public.* Any building or premises designed, used or intended to be used for housing more than three motor driven vehicles.

2-150.1 *Garden center, outdoor.* A retail enterprise that sells plants, garden supplies and services, and similar items not to include heavy equipment such as farm machinery. Notwithstanding any provisions of this ordinance to the contrary, all or portions of the use may be located outside of an enclosed structure if properly sited, as determined by special use permit approval.

2-150.2 *Grade, average finished.* See average finished grade.

2-150.3 *Grade, average pre-construction.* See average pre-construction grade.

2-151 *Ground disturbing activity.* Any movement of earth or substrate, manually or mechanically, including but not limited to any modification of existing grade by dredging, demolition, excavation or fill, grading, scraping, vegetation removal, landscaping, coring, well drilling, pile driving, undergrounding utility lines, trenching, bulldozing, sheeting, shoring and excavation for laying or removing foundations, pilings or other purposes, for which any permit or approval is required under the provisions of the city code.

2-152 *Guest house.* Living quarters within a detached accessory building located on the same premises with the main building for use by temporary guests or the occupants of the premises. Such quarters shall not have kitchen facilities and shall not be rented or otherwise used as a separate dwelling.

2-153 *Guest room.* A room which is designed or intended for occupancy by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

2-153.1 *Health and athletic club.* An establishment which as its primary purpose provides facilities for exercise in both individual and class formats, 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.

2-154 *Height of building.* The vertical distance measured from average finished grade to the highest point of the building, except that:

(A) Gable or hip roof.

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

(2) For purposes of establishing the setback ratio on the gable end of a building with a gable roof, height shall be measured to the midpoint between the eaves and the ridge.

(B) Gambrel roof.

(1) In the case of a gambrel roof, height shall be measured to the midpoint of the upper slope of the roof.

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

(C) Mansard roof. In the case of a mansard roof, height shall be measured to the roof line.

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

(E) In the case of a building with ten feet or less horizontal distance between the building setback line and the right-of-way line, height shall be measured from the average finished grade or the curb grade, whichever is less;

(F) For a building 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 Alexan-

dria and Parker-Gray Districts), height shall be measured from the average pre-construction grade or average finished grade, whichever grade is lower; and

(G) For treatment of chimneys, flagpoles, steeples, antennas and mechanical penthouses, see section 6-403.

2-155 *Helistop.* A temporary or permanent helicopter landing area either at ground level or elevated on a structure, for the sole purpose of pickup and discharge of passengers and cargo and not including facilities for maintenance and overhaul, fueling service, storage space or hangers.

2-156 *Home for the elderly.* A building or group of buildings specifically designed for domiciliary use and/or care of persons 55 years of age or over, which home may include but is not limited to the following: infirmary, central dining room and kitchen, medical staff and facilities, safety features and accessory buildings and uses.

2-157 *Home occupation.* A business, profession, occupation or trade conducted for gain or support entirely within a residential building, or a structure accessory thereto, which is incidental and secondary to the use of such building for dwelling purposes and which does not change the essential residential character of such building. For permitted home occupations, see section 7-300.

2-158 *Homeless shelter.* A building or group of buildings specifically configured in whole or in part for short-term residential use without charge by persons who have no fixed place of abode operated under the supervision and control of a bona fide charitable or government organization. Facilities provided are limited to living, sleeping, bathing, dining and food preparation, all serving residents and staff of the shelter only, together with such additional uses as may be authorized by special use permit.

2-159 *Hospice.* See nursing home.

2-160 *Hospital.* A health care institution with an organized medical and professional staff and with inpatient beds available on a 24 hour basis, which has as its primary function to provide inpatient medical, nursing, and other health-related services to patients for both surgical and nonsurgical conditions, and which usually provides some outpatient services, particularly emergency care.

2-161 *Hotel.* Any building or portion thereof which contains guest rooms which are designed or intended to be used, let or hired out for occupancy by, or

which are occupied by ten or more individuals for compensation, whether the compensation be paid directly or indirectly and including but not limited to motels, auto courts and motor lodges.

2-161.1 *Industrial or flex space center.* A building or complex of buildings under common ownership and control, which is no more than two stories in height, includes at least three independent businesses within it, and consists of at least 45,000 square feet of floor area.

2-162 *Junkyard.* Any land or building used for the storage of abandoned items, for the keeping, collecting or baling of paper, rags, scrap metals, other scrap or discarded materials, or for the abandonment, demolition, dismantling, storage or salvaging of automobiles or other vehicles not in running condition or machinery or parts thereof.

2-163 *Reserved.*

2-163.1 *Light assembly, service and crafts.* Assembly under this definition is a use engaged in the assembly, predominantly from previously prepared materials, of finished products or parts, and may include processing, assembly, treatment, packaging, incidental storage and sales of such consistent with the definition of light assembly and crafts. Crafts is a use engaged in by artists or craftspersons for the production or creation of individual handmade objects, not mass produced, such as furniture, sculpture, paintings, pottery, glassware, specialized bookbinding and clothing, and may include accessory exhibition and retail space for products created on the premises. It is specifically anticipated that assembly, service and craft uses under this definition will not be uses typically associated with industrial uses; will have no discernible impact, including noise, odor, light, glare or vibration, at the nearest property line; that all operations, including storage, will be housed completely within an enclosed building, and will operate with a minimal number of pickups and deliveries by trucks larger than a pickup or a van. No uses related to automobiles or other vehicles or heavy equipment are permitted, and all uses must be designed and operated so as to demonstrate compatibility with the character of neighboring uses and all uses permitted in the zone.

2-164 *Light truck.* A motor vehicle with a gross vehicle weight rating of 8,500 pounds or less.

2-165 *Loading space.* An off-street space on the same lot with a building or contiguous to a group of buildings, for the temporary parking of a commercial vehicle while loading or unloading merchandise or materials, and which abuts on a street or other appropriate means of access.

2-166 *Lot.* A unit of land at all times above elevation +3.0 feet mean sea level, U.S. Coast and Geodetic Survey, usable as a building site, having frontage on a public street and in compliance with the requirements of the zone in which it is situated and recorded. Ground which through accretion or fill is raised to a level so that it is at all times above elevation +3.0 feet mean sea level, U.S. Coast and Geodetic Survey, shall be deemed land for purposes of this definition.

2-167 *Lot, corner.* A lot fronting on two or more streets at their intersection.

2-168 *Lot, depth.* The mean horizontal distance between front and rear lot lines measured perpendicular to the street or radially to the street when the street lies on a curve.

2-169 *Lot, interior.* A lot with frontage on but one street.

2-169.1 *Lot, through.* A lot, other than a corner lot, having frontage on two streets.

2-170 *Lot lines.* Lines bounding a lot and recorded.

2-171 *Lot, through.* A lot extending through a block from one street to another.

2-172 *Manufactured housing.* A residential structure built according to the provisions of the 1976 HUD (U.S. Department of Housing and Urban Development) Manufactured Home Construction and Safety Standards.

2-173 *Manufacturing.* Assembly, processing, fabrication or manufacture of the following products:

Food and beverage products, but not including the processing of sauerkraut, vinegar and yeast (other than in baked goods or brewing), the growing of mushrooms or the rendering of fats and oils;

Furniture, metal and wood;

Ice;

Metal and rubber stamps, stencils, badges, jewelry, toys and novelties;

Musical instruments;

Office equipment;

Photographic equipment, excluding film;

Pottery, figurines and other ceramic products using previously ground or treated minerals and earths;

Professional and scientific instruments;

Small appliances; and

Wood products, excluding products obtained by distillation.

2-174 *Medical care facility.* Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or

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

2-175 *Medical laboratory.* A facility for diagnostic analysis of medical, dental or human products where no care or treatment is rendered to patients.

2-176 *Medical office.* The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, osteopathy, dentistry, chiropractic, podiatry, psychiatry, clinical psychology or other health-related professions on an outpatient basis. The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.

2-176.1 *Monument.* Permanent concrete or stone markers not less than five inches in diameter and not less than 30 inches in length, with an appropriate center mark of nonferrous metal pin or plate.

2-177 *Motor vehicle parking or storage.* Any land, building or structure where motor vehicles are parked or stored as a principal use, or for other than the occupants, residents or visitors of a principal use.

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.

2-179 *Nursing or convalescent home or hospice.* An establishment which provides 24 hour convalescent or chronic care, or both, for three or more individuals who are not related by blood or marriage to the operator and who, by

reason of advanced age, chronic illness or infirmity, are unable to care for themselves. No intensive medical care or surgical or obstetrical services shall be provided in such an establishment. This definition shall include an establishment or dwelling, also known as a "hospice," which provides full-time palliative and supportive care for terminally ill individuals and their families but shall not include a hospital. 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 ordinance wherever such use is allowed in the zones.

2-179.1 *Office complex.* A building or group of buildings under common ownership and control which is four or more stories in height and primarily office use, but may include other uses, and which is a minimum of 50,000 square feet in size.

2-180 *Open and usable space.* That portion of a lot at ground level which is:

(A) Eight feet or more in width;

(B) Unoccupied by principal or accessory buildings;

(C) Unobstructed by other than recreational facilities; and

(D) Not used in whole or in part as roads, alleys, emergency vehicle easement areas, driveways, maneuvering aisles or off-street parking or loading berths.

The purpose of open and usable space is to provide areas of trees, shrubs, lawns, pathways and other natural and man-made amenities which function for the use and enjoyment of residents, visitors and other persons.

That single-family, two-family, townhouse and multi-family dwellings on lots for which emergency vehicle easement areas were counted as open space in the site plan or special use permit approval therefor, existing on March 1, 2000, or for which a building permit application or preliminary site plan application was filed, and was pending or had been approved on March 1, 2000, shall not be subject to the provisions of Section 2-180(D) as amended by this subsection, shall not be characterized as noncomplying structures, and shall be characterized as structures grandfathered under prior law, pursuant to Section 12-500 of this Code.

2-181 *Open fence.* A fence structure the surface of at least 50 percent of which is uncovered.

2-181.1 *Outlot.* Any unit of land that does not meet the requirements of section 11-1700.

2-181.2 *Parcel.* A unit of land of such size and dimensions that it may be divided into two or more lots in accordance with the requirements of the zone in which it is situated.

2-181.3 *Park.* A public area reserved for natural or artificial landscaping, which may include recreational facilities and structures.

2-182 *Parking area.* An open area, other than a street or alley, used for the parking of automotive vehicles.

2-182.05 *Parking ratio.* A measurement that indicates the relationship between the number of parking spaces and the specified indicator in a particular land use such as square footage, number of seats, units, bedrooms.

2-182.1 *Payday loan business.* A business regulated by section 6.2-1800 et seq. of the Virginia Code.

2-183 *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:

Arts and crafts studios or stores;

Appliance repair and rental;

Banks, savings and loans, and credit unions;

Bicycle repair;

Barbershops and beauty shops;

Contractors' offices, without accessory storage;

Dressmakers and tailors;

Dry-cleaning and laundry pickup stations;

Laundromat;

Locksmiths;

Musical instrument repair;

Optical center;

Pawnshops;

Private school, academic, with a maximum of 20 students on the premises at any one time;

Professional photographer's studios;

Shoe repair;

Furniture upholstering shops;

Watch repair;

Printing and photocopy service;

Personal service establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

2-183.1 *Plat.* A schematic representation of land divided or to be divided.

2-183.2 *Portico.* A small roof projection with or without columns or brackets above an open landing, attached to the exterior of the primary front entrance of a residential building.

2-184 *Principal or main building.* A building or structure in which the principal use of the lot on which the building is located is conducted.

2-185 *Principal use.* The primary or main activity for which a lot is used as distinguished from an accessory use.

2-186 *Private school, academic.* A parochial or private institution offering academic or religious curriculum which is accredited or licensed by the state to grant a degree or other indication of successful completion of an instructional program. This definition includes elementary, middle and high schools, colleges and universities.

2-187 *Private school, commercial.* A school devoted to giving instruction in vocational, professional, musical, dramatic, artistic, athletic or other special subjects and typically operated for commercial gain.

2-187.1 *Public recycling center.* A collection site for acceptance by donation or redemption of recyclable materials from the public. Such center may not include permanent structures or buildings (other than fences and screens), but typically consist of portable containers which can be readily moved to be emptied or relocated.

2-188 *Recreational vehicle.* A transportation structure not more than eight feet in width and either self-propelled or capable of being towed by a passenger car, station wagon or small pick-up truck, and primarily designed or constructed either to provide temporary, movable living quarters for

recreational, camping or travel use or to carry equipment for such uses, but not for profit or commercial use. Recreational vehicles shall include the following and no other:

(A) *Trailer, trailer coach and fifth wheel trailer.* Vehicles constructed with integral wheels to make them mobile, that are intended to be towed by passenger cars, station wagons and/or light pick-up trucks and similar motor vehicles, but not by truck tractors of any type.

(B) *Camping trailer.* A type of trailer or trailer coach, the walls of which are so constructed as to be collapsible and made out of either canvas or similar cloth, or some form of rigid material such as fiberglass or plaster or metal. The walls are collapsed while the recreational vehicle is being towed and are raised or unfolded when the vehicle becomes temporary living quarters and is not being moved.

(C) *Pick-up (slide-in) camper and truck cap.* Structures designed to be mounted temporarily or permanently in the beds of light trucks, with the trucks having either single or double rear wheels and with or without an assisting, extra tag axle and wheels mounted either on the camper chassis or the truck chassis behind the truck's rear wheels. These campers can be readily demounted from the truck bed.

(D) *Chassis mount, motor home and mini-motor homes.* Recreational structures constructed integrally with a truck or motor van chassis and incapable of being separated therefrom. The truck or motor van chassis may have single or double rear wheels.

(E) *Converted and chopped vans.* Structures which are created by altering or changing an existing auto van to make it into a recreational vehicle meeting the requirements of the first paragraph of this definition.

(F) *Boat, motorcycle, utility or snowmobile trailer.* A vehicle on which a boat, motorcycle, snowmobile or other recreational, camping or travel equipment may be transported and which is towable by a passenger car, station wagon, pick-up truck or mobile recreational vehicle as defined in (D) and (E) above. If the trailer is enclosed with a box or structure, the box or structure may not exceed the permissible length as set forth in section 7-1100 of this ordinance.

(G) *Boat.* A transportation structure used or capable of being used as a means of transportation on water. A boat placed on a boat trailer shall constitute one recreational vehicle for purposes of section 7-1100 of this ordinance.

2-189 *Recycling and materials recovery facility.* A building in which previously used materials are separated, sorted or processed primarily for reuse, for shipment to others for final reprocessing or for use in the manufacturing of new products.

2-190 *Restaurant.* A public place where food and beverages are sold to customers in a form suitable for carryout or delivery or for immediate consumption with facilities for consuming such food and beverages available on the premises. This definition shall not be construed to include special events sponsored by an athletic, charitable, civic, educational, fraternal, political or religious organization in a park or other public place, churches, synagogues, fraternal lodges, school cafeterias and dining halls, food vending machines, mobile food units, pushcarts, ball park and sports arena refreshment stands or retail stores.

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:

Antique and secondhand articles;

Appliances;

Art galleries, commercial;

Art supplies;

Auto parts without service or installation on premises;

Books;

Candy;

Clothing, clothing accessories and dry goods;

Department stores;

Drugstores;

Floor coverings;

Florists;

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

Furniture;

Groceries;

Hardware, paint and wallpaper;

Household goods;

Jewelry, leather goods and luggage;

Lawn and garden supplies;

Musical instruments;

Photographic equipment and supplies;

Sporting goods;

Tobacco;

Toys;

Variety goods;

Video rental and sales;

Retail shopping establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; catering operations; or any use separately listed in a zone.

2-192 *Roominghouse.* A dwelling or portion thereof which contains guest rooms designed or intended to be used, let out of or hired for occupancy by, or which are occupied by three or more, but not exceeding nine individuals for compensation and in which meals may be provided. Existence of one or more of the following characteristics constitutes prima facie evidence that a dwelling is being used as a roominghouse: separate rental agreements for different roomers; separate entrances from the exterior for individual roomers; and typical common areas of a dwelling, such as the living room and dining room, being utilized as sleeping areas or not being available on an equal or common basis to all roomers. For regulations applicable to roominghouses, see Sections 7-1900 and 12-221.

2-193 *Setback ratio.* The ratio of the horizontal distance between any part of a building or structure and the nearest side or rear property line or the nearest building or the center line of a street or alley to the height of that part of the building above average finished grade of such line.

2-193.1 *Shopping center.* A building or complex of buildings under common ownership and control which includes at least five independent retail businesses, 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.

2-194 *Social service use.* A building or structure for social, educational or cultural activity provided such use is not operated primarily for commercial gain.

2-195 *Story.* That portion of a building included between the surface of any floor and the surface of the floor next above it, or any space which has or may have a floor with a minimum clear headroom of seven feet, six inches.

2-196 *Street.* A public right-of-way dedicated or otherwise acquired for general public access to private properties and other streets, including but not limited to use for utilities, walks and vehicular traffic.

2-196.1 *Street, private.* A privately owned right-of-way, established by an easement shown on a recorded subdivision plat, providing access to private properties and other streets, including but not limited to, use for utilities, walks and vehicular traffic.

2-197 *Structure.* That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

2-197.1 *Structure, ornamental.* An individual structure fixed to the ground having a purely decorative or commemorative quality or value, or designed exclusively for the outdoor display of an object having a purely decorative or commemorative quality or value, and containing no storage, mechanical, habitable or occupiable space.

2-197.2 *Subdivision.* The division of a lot, parcel or tract of land into two or more lots, plots, sites, parcels or other divisions for the purpose, whether immediate or future, of sale or building development and including the resubdivision of existing lots, parcels, tracts or other divisions of existing and duly recorded subdivisions. Any tract of land upon which a street, alley or public right-of-way is dedicated shall be considered a subdivision.

2-197.3 *Title loan business.* A business regulated by section 6.2-2200 et seq. of the Virginia Code.

2-198 *Tourist home.* A building in which board or rooms or both are offered to the traveling public for compensation and which is open to transient guests, not exceeding nine individuals, as distinguished from a rooming house.

2-198.1 *Theater, live.* An establishment that has an audience viewing hall or room and a permanent stage for the presentation of live performances by live actors to a live audience in a theater setting. Theaters may include but are not limited to live performances of music, dance, plays and orations.

2-199 *Tract or tract of land.* A unit or units of land, whether at, above or below elevation +3.0 feet mean sea level, U.S. Coast and Geodetic Survey, under single ownership or control which are to be used, developed or built upon pursuant to a common development plan. A tract of land need not necessarily coincide with a lot of record.

2-200 *Trailer.* A residence, house car, camp car or any portable or mobile vehicle on wheels, which is used or may be used for residential, commercial, hauling or storage purposes, except any vehicle or structure which is a recreational vehicle. The removal of a trailer's wheels or the placement of a trailer on a permanent foundation shall not alter its classification as a trailer, provided that such regulation shall not apply to manufactured housing.

2-201 *Valet parking.* The provision of parking for vehicles whereby vehicles are parked and unparked in a parking area, parking lot or any parking structure by a person other than the owner or operator of the vehicle.

2-201.1 *Veterinary/animal hospital.* A type of animal care facility where common household pets are provided with preventative care and/or are treated for illness, injury, or disease, but does not include animal shelters.

2-201.2 *Walkability index.* A City of Alexandria scoring system used to measure the degree to which a person can travel on foot between places to work, live and play. The index considers the presence of neighborhood services, civic and community facilities, retail and community anchors. It also considers the presence of sidewalks and other physical infrastructure which contribute to a safe and pleasant pedestrian experience.

2-202 *Wetlands.* That definition provided in section 13-103 of this ordinance regarding the Chesapeake Bay Preservation Overlay District.

2-203 *Wholesale business.* The buying or selling or arranging for sale of goods or commodities, usually in bulk, for purchasers other than individual customers, to include offices but not to include freight distribution centers, large storage facilities or the use of delivery trucks in the routine operation of the business.

2-204 *Yard.* The required open area on the same lot with a building or group of buildings, which open area lies between the building or group of buildings and the nearest lot line or between one building and another building and is unoccupied and unobstructed from the ground upward.

2-205 *Yard, front.* A yard extending across the side of a lot measured between the side lot lines and being the minimum horizontal distance between the street line and the main building or any projection thereof not permitted in section 7-202(A). For a corner lot, the two yards lying between the main building and the intersecting streets shall both be deemed to be front

yards and any additional yards shall be deemed to be side yards. For a through lot, the two or more yards lying between the main building and the two or more public streets shall be deemed to be front yards.

2-205.1 *Yard, front primary.* The front yard of a corner lot which contains a building's main architectural entrance and is identified by the building(s street address and number.

2-205.2 *Yard, front secondary.* The other front yard of a corner lot facing a street, which may include an entrance but not a building(s main architectural entrance.

2-206 *Yard, rear.* The area extending across the rear of a lot measured between the side lot lines and being the minimum horizontal distance between the rear lot line and the main building or any projection thereof not permitted in section 7-202(A).

2-207 *Yard, side.* An open, unoccupied space on the same lot with the building, between the building and the side lot line and extending from the front yard to the rear yard and being the minimum horizontal distance between the side lot line and the main building or any projection thereof not permitted in section 7-202(A).

2-208 *Zoning, conditional.* As part of classifying land into zones by legislative action, the allowing of reasonable conditions governing the use of such property, such conditions being in addition to the regulations provided for a particular zone by the zoning ordinance.

(Ord. No. 3606, §§ 1—3, 12-12-92; Ord. No. 3654, § 1, 6-30-93; Ord. No. 3673, § 1, 10-16-93; Ord. No. 3741, § 2, 6-18-94; Ord. No. 3746, § 2, 6-28-94; Ord. No. 3774, § 1, 1-21-95; Ord. No. 3800, § 1, 5-13-95; Ord. No. 3841, § 1, 1-20-96; Ord. No. 3845, § 1, 2-24-96; Ord. No. 3912, § 1, 1-25-97; Ord. No. 3946, § 1, 6-24-97; Ord. No. 4041, §§ 1, 3, 4-17-99; Ord. No. 4049, §§ 1, 2, 5, 5-15-99; Ord. No. 4078, § 1, 10-16-99; Ord. No. 4119, §§ 1, 2, 4-15-00; Ord. No. 4178, § 1, 12-16-00; Ord. No. 4272, § 1, 10-19-02; Ord. No. 4328, §§ 1, 2, 1-24-04; Ord. No. 4399, § 6, 5-14-05; Ord. No. 4483, § 1, 5-12-07; Ord. No. 4493, § 1, 6-26-07; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 2, 6-22-10; Ord. No. 4712, § 1, 3-12-11; Ord. No. 4948, § 1, 5-15-15; Ord. No. 5035, § 1, 6-28-16)

ARTICLE III. RESIDENTIAL ZONE REGULATIONS

Division A. Single-Family and Two-Family Zones

Sec. 3-100 R-20/Single-family zone.
Sec. 3-200 R-12/Single-family zone.
Sec. 3-300 R-8/Single-family zone.
Sec. 3-400 R-5/Single-family zone.
Sec. 3-500 R-2-5/Single- and two-family zone.

Division B. Townhouse and Multifamily Zones

Sec. 3-600 RA/Multifamily zone.
Sec. 3-700 RB/Townhouse zone.
Sec. 3-800 RCX/Medium density apartment zone.
Sec. 3-900 RC/High density apartment zone.
Sec. 3-1000 RD/High density apartment zone.
Sec. 3-1100 RM/Townhouse zone.
Sec. 3-1200 RS/Townhouse zone.
Sec. 3-1300 RT/Townhouse zone.

DIVISION A. SINGLE-FAMILY AND TWO-FAMILY ZONES

Sec. 3-100 R-20/Single-family zone.

3-101 *Purpose.* The R-20 zone is established to provide and maintain land areas for low density residential neighborhoods of single-family homes on 20,000 square foot lots. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in a residential neighborhood are also permitted.

3-102 *Permitted uses.* The following uses are permitted in the R-20 zone:

(A) Single-family dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Church;

(E) Home occupation, as permitted by section 7-300;

(F) Public park;

(G) Public school;

(H) Utilities, as permitted by section 7-1200.

3-102.1 *Administrative special uses.* The following uses may be allowed in the R-20 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-102.

3-103 *Special uses.* The following uses may be allowed in the R-20 zone pursuant to a special use permit:

(A) Cemetery;

(B) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(C) Reserved;

(D) Private school;

(E) Seminary, convent and monastery;

(F) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-104 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-100 is prohibited.

3-105 *Lot requirements.*

(A) *Lot size.* Each principal use shall be located on a lot with a minimum land area of 20,000 square feet.

(B) *Lot width.* The minimum lot width at the building line shall be 100 feet except in the case of a corner lot, in which case the minimum lot width shall be 120 feet.

(C) *Lot frontage.* The minimum lot frontage at the front lot line shall be 75 feet, except in the case of curvilinear streets with radial lot lines, in which case the minimum lot frontage shall be 55 feet.

3-106 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each residential use shall provide a front yard of at least 40 feet. Any other use shall provide a front yard of at least 70 feet.

(2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of 12 feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 12 feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

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

(C) *Height.* The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-200 R-12/Single-family zone.

3-201 *Purpose.* The R-12 zone is established to provide and maintain land areas for low density residential neighborhoods of single-family homes on 12,000 square foot lots. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in a residential neighborhood are also permitted.

3-202 *Permitted uses.* The following uses are permitted in the R-12 zone:

(A) Single-family dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Church;

(E) Home occupation, as permitted by section 7-300;

(F) Public park;

(G) Public school;

(H) Utilities, as permitted by section 7-1200.

3-202.1 *Administrative special uses.* The following uses may be allowed in the R-12 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-202.

3-203 *Special uses.* The following uses may be allowed in the R-12 zone pursuant to a special use permit:

(A) Cemetery;

(B) Reserved;

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-204 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-200 is prohibited.

3-205 *Lot requirements.*

(A) *Lot size.* Each principal use shall be located on a lot with a minimum land area of 12,000 square feet.

(B) *Lot width.* The minimum lot width at the building line shall be 80 feet except in the case of a corner lot, in which case the minimum lot width shall be 95 feet.

(C) *Lot frontage.* The minimum lot frontage at the front lot line shall be 60 feet, except in the case of curvilinear streets with radial lot lines, in which case the minimum lot frontage shall be 45 feet.

3-206 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 35 feet.

(2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of ten feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of ten feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *FAR.* The maximum permitted floor area ratio is 0.30.

(C) *Height.* The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-300 R-8/Single-family zone.

3-301 *Purpose.* The R-8 zone is established to provide and maintain land areas for low density residential neighborhoods of single-family homes on 8,000 square foot lots. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in a residential neighborhood are also permitted.

3-302 *Permitted uses.* The following uses are permitted in the R-8 zone:

(A) Single-family dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Church;

(E) Home occupation, as permitted by section 7-300;

(F) Public park;

(G) Public school;

(H) Utilities, as permitted by section 7-1200.

3-302.1 *Administrative special uses.* The following uses may be allowed in the R-8 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-302.

3-303 *Special uses.* The following uses may be allowed in the R-8 zone pursuant to a special use permit:

(A) Cemetery;

(B) Reserved;

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-304 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-300 is prohibited.

3-305 *Lot requirements.*

(A) *Lot size.* Each principal use shall be located on a lot with a minimum land area of 8,000 square feet except in the case of a corner lot, in which case the minimum land area shall be 9,000 square feet.

(B) *Lot width.* The minimum lot width at the building line shall be 65 feet except in the case of a corner lot, in which case the minimum lot width shall be 80 feet.

(C) *Lot frontage.* The minimum lot frontage at the front lot line shall be 40 feet.

3-306 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 30 feet.

(2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:2 and a minimum size of eight feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *FAR.* The maximum permitted floor area ratio is 0.35.

(C) *Height.* The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-400 R-5/Single-family zone.

3-401 *Purpose.* The R-5 zone is established to provide and maintain land areas for low density residential neighborhoods of single-family homes on 5,000 square foot lots. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in a residential neighborhood are also permitted.

3-402 *Permitted uses.* The following uses are permitted in the R-5 zone:

(A) Single-family dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home; as permitted by section 7-500;

(D) Church;

(E) Home occupation, as permitted by section 7-300;

(F) Public park;

(G) Public school;

(H) Utilities, as permitted by section 7-1200.

3-402.1 *Administrative special uses.* The following uses may be allowed in the R-5 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-402.

3-403 *Special uses.* The following uses may be allowed in the R-5 zone pursuant to a special use permit:

(A) Cemetery;

(B) Reserved;

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-404 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-400 is prohibited.

3-405 *Lot requirements.*

(A) *Lot size.* Each principal use shall be located on a lot with a minimum land area of 5,000 square feet except in the case of a corner lot, in which case the minimum land area shall be 6,500 square feet.

(B) *Lot width.* The minimum lot width at the building line shall be 50 feet except in the case of a corner lot, in which case the minimum lot width shall be 65 feet.

(C) *Lot frontage.* The minimum lot frontage at the front lot line shall be 40 feet.

3-406 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 25 feet.

(2) *Side yards.* Each residential use shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of seven feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of seven feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

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

(C) *Height.* The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-500 R-2-5/Single- and two-family zone.

3-501 *Purpose.* The R-2-5 zone is established to provide and maintain land areas for low density residential neighborhoods of single-family and two-family homes on 5,000 square foot lots. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in a residential neighborhood are also permitted.

3-502 *Permitted uses.* The following uses are permitted in the R-2-5 Zone:

(A) Single-family dwelling;

(B) Two-family dwelling;

(C) Accessory uses, as permitted by section 7-100;

(D) Child or elder care home, as permitted by section 7-500;

(E) Church;

(F) Home occupation, as permitted by section 7-300;

(G) Public park;

(H) Public school;

(I) Utilities, as permitted by section 7-1200.

3-502.1 *Administrative special uses.* The following uses may be allowed in the R-2-5 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-502.

3-503 *Special uses.* The following uses may be allowed in the R-2-5 zone pursuant to a special use permit:

(A) Cemetery;

(B) Reserved;

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-504 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-500 is prohibited.

3-505 *Lot requirements.*

(A) *Lot size.*

(1) Each principal use shall be located on a lot with a minimum land area of 5,000 square feet, except in the case of a corner lot in which case the minimum land area shall be 6,500 square feet.

(2) Each dwelling in a semi-detached building shall be located on its own lot, each of which shall contain 2,500 square feet of land area, except in the case of a corner lot in which case the dwelling requires a minimum of 4,000 square feet.

(3) Each duplex building shall be located on a lot with a minimum land area of 5,000 square feet, except in the case of a corner lot in which case the minimum land area shall be 6,500 square feet.

(B) *Lot width.* The minimum lot width at the building line shall be 50 feet except in the case of a corner lot, in which case the minimum lot width shall be 65 feet, and in the case of a two-family semi-detached dwelling, in which case the width of each lot shall be 37.5 feet.

(C) *Lot frontage.* The minimum lot frontage at the front lot line shall be 40 feet, except in the case of a two-family semi-detached dwelling, in which case the minimum lot frontage shall be 37.5 feet for each dwelling unit.

3-506 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 25 feet.

(2) *Side yards.* Each single-family or duplex dwelling shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of seven feet. Each two-family semi-detached dwelling shall provide two side yards, each based on a setback ratio of 1:3 and a minimum size of ten feet. Each other use shall provide two side yards, each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of seven feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

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

(C) *Height.* The maximum permitted height of a structure is 35 feet except for a church or school use in which case the maximum permitted height is 40 feet.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 3969, § 1, 12-13-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

DIVISION B. TOWNHOUSE AND MULTIFAMILY ZONES

Sec. 3-600 RA/Multifamily zone.

3-601 *Purpose.* The RA zone is established to provide and maintain land areas for medium density residential neighborhoods in which apartments predominate and in which single-family, two-family and townhouse development is permitted. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in such residential neighborhoods are also permitted.

3-602 *Permitted uses.* The following uses are permitted in the RA zone:

(A) Single-family dwelling;

(B) Two-family dwelling;

(C) Townhouse dwelling;

(D) Multifamily dwelling;

(E) Accessory uses, as permitted by section 7-100;

(F) Child or elder care home, as permitted by section 7-500;

(G) Church;

(H) Home occupation, as permitted by section 7-300;

(I) Public park;

(J) Public school;

(K) Utilities, as permitted by section 7-1200.

3-602.1 *Administrative special uses.* The following uses may be allowed in the RA zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-602.

3-603 *Special uses.* The following uses may be allowed in the RA zone pursuant to a special use permit:

(A) Cemetery;

(A.1) Day care center.

(B) Reserved;

(C) Home for the elderly;

(D) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(E) Nursery school;

(F) Nursing or convalescent home or hospice;

(F.1) Outdoor food and crafts market;

(G) Private school;

(H) Rooming house;

(I) Seminary, convent and monastery;

(J) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-604 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-600 is prohibited.

3-605 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 27 dwelling units per acre for multifamily and 22 dwelling units an acre for single-family, two-family and townhouse development.

(B) *Lot size.*

(1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,600 square feet of land area for each dwelling unit.

(2) Each single-family, two-family and townhouse dwelling unit shall be located on a lot with a minimum land area of 1,980 square feet; provided however that in the case of unusual circumstances or exceptional design, a minimum land area of 1,600 square feet for such each dwelling unit may be provided if approved pursuant to a special use permit.

(3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum lot frontage at the front lot line shall be 50 feet. In the case of two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

(2) For townhouse dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for interior lots, 26 feet for end lots and 38 feet for corner lots. For exterior lots on a cul de sac or curved street which has a radius of less than 100 feet, the width at the front lot line may be reduced by a maximum of three feet if approved by the planning commission but in no event to a width at the front building line of less than 18 feet.

3-606 Bulk and open space regulations.

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 20 feet.

(2) *Side yards.*

(a) Each single-family and two-family dwelling shall provide two side yards based on a setback ratio of 1:3 and a minimum size of seven feet.

(b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.

(c) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:2 and a minimum size of 16 feet.

(d) All other uses shall provide two side yards based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum yard of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *Open and usable space.* Each lot occupied by a dwelling unit shall provide a minimum of 800 square feet of open and usable space for each dwelling unit; provided however,

(1) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to 80 square feet of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped;

(2) In the case of a rooming or boarding house, an additional 200 square feet for each guest room shall be provided.

(C) *FAR.* The maximum permitted floor area ratio is 0.75.

(D) *Height.* The maximum permitted height of a structure is 45 feet.

3-607 *Certain structures, lots and uses inconsistent with these provisions.* All land within the RA zone must be used and developed in compliance with the RA zone regulations unless otherwise provided in this ordinance or by the following exceptions:

(A) Single-family and two-family dwellings developed prior to November 24, 1986 on lots of 1,600 square feet per dwelling unit shall be deemed to be in compliance with this ordinance and such lots may be redeveloped for such uses as were existing thereon on that date.

(B) Lots zoned RA which were recorded prior to December 28, 1951 may be developed with a single-family dwelling and accessory structures at the lot size shown on the recorded plat.

(C) Prior to June 24, 1992, professional office uses were permitted in the RA zone subject to a special use permit and such uses may continue subject to the requirements of the special use permit previously granted for such use.
(Ord. No. 3847, § 1, 2-27-96; Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4904, § 1, 10-18-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-700 RB/Townhouse zone.

3-701 *Purpose.* The RB zone is established to provide and maintain land areas for medium density residential neighborhoods in which single-family, two-family and townhouse dwellings are permitted. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in such residential neighborhoods are also permitted.

3-702 *Permitted uses.* The following uses are permitted in the RB zone:

(A) Single-family dwelling;

(B) Two-family dwelling;

(C) Townhouse dwelling;

(D) Accessory uses, as permitted by section 7-100;

(E) Child or elder care home as permitted by section 7-500;

(F) Church;

(G) Home occupation, as permitted by section 7-300;

(H) Public park;

(I) Public school;

(J) Utilities, as permitted by section 7-1200.

3-702.1 *Administrative special uses.* The following uses may be allowed in the RB zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-702.

3-703 *Special uses.* The following uses may be allowed in the RB zone pursuant to a special use permit:

(A) Cemetery;

(B) Day care center;

(C) Home for the elderly;

(D) Reserved;

(E) Nursing or convalescent home or hospice;

(F) Private school;

(G) Rooming house;

(H) Seminary, convent and monastery;

(I) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-704 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-700 is prohibited.

3-705 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 22 dwelling units an acre.

(B) *Lot size.*

(1) Each dwelling unit shall be located on a lot with a minimum land area of 1,980 square feet; provided however that in the case of unusual circumstances or exceptional design, a minimum land area of 1,600 square feet for each dwelling unit may be provided if approved pursuant to a special use permit.

(2) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum

lot frontage at the front lot line shall be 50 feet. In the case of two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

(2) For townhouse dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for interior lots, 26 feet for end lots and 38 feet for corner lots. For exterior lots on a cul de sac or curved street which has a radius of less than 100 feet, the width at the front lot line may be reduced by a maximum of three feet if approved by the planning commission but in no event to a width at the front building line of less than 18 feet.

3-706 Bulk and open space regulations.

(A) *Yard requirements.*

(1) *Front yard.* Each use shall provide a front yard of at least 20 feet, except within the Old and Historic Alexandria and the Parker-Gray Districts where the front building line shall be the same as the front lot line or such other line consistent with the character of the district that the board of architectural review approves.

(2) *Side yards-outside historic districts.*

(a) Each single-family and two-family dwelling shall provide two side yards each based on a setback ratio of 1:3 and a minimum size of eight feet.

(b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.

(c) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:2 and a minimum size of 16 feet.

(d) Each other use shall provide two side yards based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Side yards-within historic districts.* Within the Old and Historic Alexandria and the Parker-Gray Districts, the following side yard requirements shall apply.

(a) Each residential lot which is 35 feet wide or wider shall provide two side yards of at least five feet each.

(b) Each residential lot which is at least 25 feet but less than 35 feet wide shall provide one side yard of at least five feet.

(c) No side yard is required on a residential lot which is less than 25 feet wide.

(d) Each nonresidential lot shall provide two side yards of at least five feet each, regardless of the width of the lot.

(4) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *Open and usable space.* Each lot occupied by a dwelling unit shall provide a minimum of 800 square feet of open and usable space for each dwelling unit; provided however,

(1) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to 80 square feet of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped.

(C) *FAR.* The maximum permitted floor area ratio is 0.75.

(D) *Height.* The maximum permitted height of a structure is 45 feet.

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:

(A) Any land which was zoned to RB on or prior to February 27, 1973 may be used for multifamily dwellings provided:

(1) The land contained multifamily buildings prior to March 28, 1978; or

(2) A site plan for such use was submitted prior to March 28, 1978 and a special use permit is approved for such use; or

(3) The land is part of an urban renewal project established prior to February 22, 1973.

(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 and accessory structures at the lot size shown on the recorded plat.

(C) Any land zoned to RB after February 27, 1973 but prior to June 24, 1992 and part of an urban renewal project may be developed at a density of 1,600 square feet per dwelling unit.

(D) Prior to June 24, 1992, professional office uses were permitted in the RB zone subject to a special use permit and those specific uses previously approved may continue at the same location and subject to the requirements and conditions of the special use permit approved for such use.
(Ord. No. 3822, § 1, 9-16-95; Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-800 RCX/Medium density apartment zone.

3-801 *Purpose.* The RCX zone is established to provide and maintain land areas for medium density apartment buildings and to permit limited commercial uses in such structures. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in such residential neighborhoods are also permitted.

3-802 *Permitted uses.* The following uses are permitted in the RCX zone:

(A) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Accessory uses, as permitted by section 7-100;

(D) Child or elder care home, as permitted by section 7-500;

(E) Church;

(F) Home occupation, as permitted by section 7-300;

(G) Public park;

(H) Public school;

(I) Utilities, as permitted by section 7-1200.

3-802.1 *Administrative special uses.* The following uses may be allowed in the RCX zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-802.

3-803 *Special uses.* The following uses may be allowed in the RCX zone pursuant to a special use permit:

(A) Apartment hotel;

(B) Cemetery;

(C) Day care center;

(D) Home for the elderly;

(E) Nursery school;

(F) Nursing or convalescent home or hospice;

(F.1) Outdoor food and crafts market;

(G) Private school;

(H) Rooming house;

(I) Seminary, convent and monastery;

(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:

(1) Bank, saving and loan bank or association, and similar financial institution;

(2) Barber shop or beauty shop;

(3) Cleaning, laundry or pressing agency with no actual operations on premises;

(4) Convenience store;

(4.1) Day care center;

(5) Drugstore;

(6) Gift shop;

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

(8) Health and athletic club;

(9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general

office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours;

(10) Restaurant.

(K) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-804 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-800 is prohibited.

3-805 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 35 units per acre unless a special use permit is approved, in which case the density may be increased to an amount not to exceed 54.45 units per acre.

(B) *Lot size.*

(1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,245 square feet of land area for each dwelling unit.

(2) Each townhouse dwelling shall be located on a lot with a minimum land area of 1,600 square feet.

(3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum lot frontage at the front lot line shall be 50 feet.

(2) For townhouse dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for interior lots, 26 feet for end lots and 38 feet for corner lots. For exterior lots on a cul de sac or curved street which has a radius of less than 100 feet, the width at the front lot line may be reduced by a maximum of three feet if approved by the planning commission but in no event to a width at the front building line of less than 18 feet.

3-806 Bulk and open space regulations.

(A) *Yard requirements.*

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

(2) *Side yards.*

(a) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:3 and a minimum size of 16 feet.

(b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.

(c) Each other use shall provide two side yards each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *Open and usable space.* Each lot used for residential dwellings shall provide open and usable space calculated as follows:

(1) For multifamily dwellings, a minimum of 320 square feet for each dwelling unit or 40 percent of the total lot or tract area, whichever amount is greater.

(2) For all other residential uses, a minimum of 800 square feet for each dwelling unit.

(3) For rooming and boarding houses, an additional 200 square feet for each guest room.

(4) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to ten percent of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped.

(C) *FAR.* The maximum permitted floor area ratio is 1.25.

(D) *Height.* The maximum permitted height of a structure is 50 feet.

3-807 *Certain structures, lots and uses inconsistent with these provisions.* All land within the RCX zone must be used and developed in compliance with the RCX zone regulations unless otherwise provided in this ordinance or by the following exceptions:

(A) Single-family and two-family dwellings developed prior to June 24, 1992 shall be deemed to be in compliance with this ordinance and such uses may be redeveloped consistent with the use, lot and bulk limitations pursuant to which they were developed prior to said date.

(B) Prior to June 24, 1992, professional office uses were permitted in the RC zone subject to a special use permit and those specific uses previously approved may continue at the same location and subject to the requirements and conditions of the special use permit approved for such use.

(C) Developments with site plans approved prior to July 6, 1966 were required to include a minimum amount of open and usable space of 300 square feet per dwelling unit or 37.5 percent of the total lot or tract area, whichever was greater. The same requirements shall continue to apply to those particular developments under this ordinance.

(D) Prior to June 26, 1973, certain C-1 and C-1-B commercial uses were permitted within apartment buildings of four stories or more in the RC zone subject to the approval of a special use permit and limited in size to that of the first floor or a floor below it and in location to the first floor or a floor below it. Those specific uses previously approved may continue in the RCX zone subject to the requirements and conditions of the special use permit approved for such use.

(Ord. No. 3847, § 1, 2-27-96; Ord. No. 3912, § 2, 1-25-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4904, § 2, 10-18-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-900 RC/High density apartment zone.

3-901 *Purpose.* The RC zone is established to provide and maintain land areas for high density apartment buildings and to permit limited commercial uses in such structures. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in such residential neighborhoods are also permitted.

3-902 *Permitted uses.* The following uses are permitted in the RC zone:

(A) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Accessory uses, as permitted by section 7-100;

(D) Child or elder care home, as permitted by section 7-500;

(E) Church;

(F) Home occupation, as permitted by section 7-300;

(G) Public park;

(H) Public school;

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

(1) Bank, saving and loan bank or association, and similar financial institution;

(2) Barbershop or beauty parlor;

(3) Cleaning, laundry or pressing agency with no actual operations on premises;

(4) Drugstore;

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

(6) Gift or florist shop;

(6.1) Health and athletic club;

(7) Professional, business and medical office provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and

(J) Utilities, as permitted by section 7-1200.

3-902.1 *Administrative special uses.* The following uses may be allowed in the RC zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-902.

3-903 *Special uses.* The following uses may be allowed in the RC zone pursuant to a special use permit:

(A) Apartment hotel;

(B) Cemetery;

(C) Day care center;

(D) Freestanding commercial buildings for office or retail use where clearly designed as part of and to serve a residential development of at least 2,000 dwelling units and where no such building exceeds 10,000 square feet;

(E) Home for the elderly;

(F) Reserved;

(G) Nursing or convalescent home or hospice;

(G.1) Outdoor food and crafts market;

(H) Private school;

(I) Rooming house;

(J) Seminary, convent and monastery;

(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:

(1) Bank, saving and loan bank or association, and similar financial institution;

(2) Barber shop or beauty shop;

(3) Cleaning, laundry or pressing agency with no actual operations on premises;

(4) Convenience store;

(4.1) Day care center;

(5) Drugstore;

(6) Gift shop;

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

(8) Health and athletic club;

(9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general

office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and

(10) Restaurants and, in the case of a building which is seven or more stories, the restaurant may be located on the top floor or the roof of the building.

(L) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-904 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-900 is prohibited.

3-905 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 54.45 dwelling units per acre.

(B) *Lot size.*

(1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 800 square feet of land area for each dwelling unit.

(2) Each townhouse dwelling shall be located on a lot with a minimum land area of 1,600 square feet.

(3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For all buildings other than townhouse dwellings, the minimum lot width at the building line and the minimum lot frontage at the front lot line shall be 50 feet.

(2) For townhouse dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for interior lots, 26 feet for end lots and 38 feet for corner lots. For exterior lots on a cul de sac or curved street which has a radius of less than 100 feet, the width at the front lot line may be reduced by a

maximum of three feet if approved by the planning commission but in no event to a width at the front building line of less than 18 feet.

3-906 Bulk and open space regulations.

(A) *Yard requirements.*

(1) *Front yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 or the requirements of section 3-908.

(2) *Side yards.*

(a) Each structure containing multifamily dwellings shall provide two side yards each based on a setback ratio of 1:3 and a minimum size of 16 feet.

(b) Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.

(c) Each other structure shall provide two side yards each based on a setback ratio of 1:1 and a minimum size of 25 feet.

(3) *Rear yard.* Each residential use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of eight feet. Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(B) *Open and usable space.* Each lot used for residential dwellings shall provide open and usable space calculated as follows:

(1) For multifamily dwellings, a minimum of 320 square feet for each dwelling unit or 40 percent of the total lot or tract area, whichever amount is greater.

(2) For all other residential uses, a minimum of 800 square feet for each dwelling unit.

(3) In the case of multifamily dwellings, improved rooftops and decks are encouraged and the following amount of such space may be offset against the amount of open and usable space which would otherwise be required at ground level: up to ten percent of the open space requirement for each dwelling unit may be provided in the form of improved rooftops or decks if an amount of land equal to the amount

provided in rooftops or decks is located between the front lot line and any building or parking area and is appropriately landscaped.

(C) *FAR.* The permitted maximum floor area ratio is 1.25.

(D) *Height.* The maximum permitted height of a structure is 150 feet.

3-907 *Certain structures, lots and uses inconsistent with these provisions.* All land within the RC zone must be used and developed in compliance with the RC zone regulations unless otherwise provided in this ordinance or by the following exceptions:

(A) Single-family and two-family dwellings developed prior to June 24, 1992 shall be deemed to be in compliance with this ordinance and such uses may be redeveloped consistent with the use, lot and bulk limitations pursuant to which they were developed prior to said date.

(B) Prior to June 24, 1992, professional office uses were permitted in the RC zone subject to a special use permit and those specific uses previously approved may continue at the same location and subject to the requirements and conditions of the special use permit approved for such use.

(C) Developments with site plans approved prior to July 6, 1966 were required to include a minimum amount of open and usable space of 300 square feet per dwelling unit or 37.5 percent of the total lot or tract area, whichever was greater. The same requirements shall continue to apply to those particular developments under this ordinance.

(D) Prior to June 26, 1973, certain C-1 and C-1-B commercial uses were permitted within apartment buildings of four stories or more in the RC zone subject to the approval of a special use permit and limited in size to that of the first floor or a floor below it and in location to the first floor or a floor below it. Those specific uses previously approved may continue subject to the requirements and conditions of the special use permit approved for such use.

3-908 *Additional requirements for certain properties abutting the George Washington Memorial Parkway.* The following additional development standards shall apply to properties within the RC zone located south of the

Capital Beltway and abutting Washington Street (George Washington Memorial Parkway). These standards are established to implement the design guidelines of the Hunting Creek Area Plan.

(A) *Front setback area.* All buildings shall be set back from Washington Street by 80 feet from the front property line or 140 feet from the centerline of Washington Street, whichever is closer to the centerline of Washington Street.

(1) *Landscaping.* The grade of the area between Washington Street and those structures closest to Washington Street shall be raised to approximately the elevation of the sidewalk along Washington Street to provide a broad parkway appearance. The area between those structures closest to Washington Street and Washington Street shall be landscaped in a manner substantially consistent with the Landscape Concept for Washington Street and Parkway Landscape Buffer, Figure 16 in the Hunting Creek Area Plan.

(2) *Surface parking.* No surface parking shall be provided in the area between Washington Street and those structures oriented to and closest to Washington Street.

(B) *Building orientation.* Beyond the front setback area, buildings closest to Washington Street shall be oriented toward and generally aligned with Washington Street.

(C) *Site access.* Primary site access for vehicles on either side of Washington Street shall be at the two existing signalized intersections, one immediately south of the Capital Beltway and the other at the entry drive to Porto Vecchio.

(D) *Site development area.* On the west side of Washington Street, south of the south access street as shown on the Hunting Terrace Site Development Concept, Figure 15 in the Hunting Creek Area Plan, no structures except accessory structures open to the public for interpretation of the natural or cultural history of the area shall be constructed.

(E) *Transit access.* In order to provide transit access, the properties abutting the Capital Beltway shall provide a location for three or more busses to stop and lay by on the west side of Washington Street, and a location for two or more buses to stop and lay by on the east side of Washington Street. In order to provide a broad parkway appearance along Washington Street, the design of these bus stops shall provide a median between the bus stop and the roadway sufficient to continue the row of street trees along

Washington Street as shown in the Landscape Concept for Washington Street and Parkway Landscape Buffer, Figure 16 of the Hunting Creek Area Plan.
(Ord. No. 3847, § 1, 2-27-96; Ord. No. 3912, § 2, 1-25-97; Ord. No. 4427, §§ 2, 3, 10-15-05; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4904, § 3, 10-18-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-1000 RD/High density apartment zone.

Purpose. The RD zone, originally established to provide land areas for high rise, high density multifamily structures, was amended to prohibit any additional land being so zoned after March 24, 1965. It remains a viable zone only insofar as its regulations govern the use and development of that land which was zoned RD prior to March 24, 1965.

3-1001 *Permitted uses.* The following uses are permitted in the RD zone:

(A) Multifamily dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) The following uses within a multifamily building provided they occupy no more than an aggregate measure of ten percent of the gross floor area of said building:

(1) Barbershop or beauty shop;

(2) Business office;

(3) Cleaning, laundry or pressing agency with no actual operations on premises;

(4) Florist shop;

(5) Photographic studio;

(6) Stationery store;

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

3-1002 *Special uses.* The following uses may be allowed in the RD zone pursuant to a special use permit:

(A) Apartment hotel;

(B) Cemetery;

(C) Nursing or convalescent home or hospice;

(C.1) Outdoor food and crafts market;

(D) Rooming house;

(E) Seminary, convent and monastery;

(F) The following uses in a multifamily building or apartment hotel provided they occupy no more than an aggregate measure of five percent of the gross floor area of the building:

(1) Private or fraternal club;

(2) Restaurant.

(G) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-1003 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-1000 is prohibited.

3-1004 *Density and lot requirements.*

(A) *Density.* Density shall not exceed 100 dwelling units per acre.

(B) *Lot size.* No structure shall be erected or placed on any lot or tract of ground containing less than one acre of land unless it is part of and in conformity with a coordinated and controlled urban renewal project.

(C) *Lot width and frontage.* No building shall be erected or placed on any lot or tract of ground which is less than 100 feet wide at the front lot line unless it is part of and in conformity with a coordinated and controlled approved urban renewal project.

3-1005 *Bulk and open space regulations.*

(A) *Yard requirements.*

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

(2) *Side yards.* Each lot or tract shall provide side yards, each based on a setback ratio of 1:2 and a minimum size of 16 feet.

(3) *Rear yard.* Each lot or tract shall provide a rear yard based on a setback ratio of 1:2 and a minimum size of 16 feet.

(B) *Open and usable space.* A minimum of 40 percent of each lot or tract shall be provided as open and usable space. In calculating

the amount of open space, up to 50 percent of the land area devoted to parking may be counted as up to 90 percent of the required open and usable space.

(C) *FAR*. No maximum floor area ratio applies.

(D) *Height*. No building or structure shall exceed 150 feet in height.

(Ord. No. 3912, § 2, 1-25-97; Ord. No. 4904, § 4, 10-18-14)

Sec. 3-1100 RM/Townhouse zone.

3-1101 *Purpose*. The RM zone is established to provide and maintain land areas for medium density residential neighborhoods of single-family, two-family and townhouse dwellings. Nonresidential uses of a noncommercial nature which are related to, supportive of and customarily found in such residential neighborhoods are also permitted.

3-1102 *Permitted uses*. The following uses are permitted in the RM zone:

(A) Single-family dwelling;

(B) Two-family dwelling;

(C) Townhouse dwelling;

(D) Accessory uses, as permitted by section 7-100;

(E) Child or elder care home, as permitted by section 7-500;

(F) Church;

(G) Home occupation, as permitted by section 7-300;

(H) Public park;

(I) Public school;

(J) Utilities, as permitted by section 7-1200.

3-1102.1 *Administrative special uses*. The following uses may be allowed in the RM zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-1102.

3-1103 *Special uses*. The following uses may be allowed in the RM zone pursuant to a special use permit:

(A) Bed and breakfast accommodation, as permitted by section 7-400;

(B) Cemetery;

(C) Day care center;

(D) Motor vehicle parking or storage, as permitted by section 8-600;

(E) Reserved;

(F) Nursing or convalescent home or hospice;

(G) Private school;

(H) Rooming house;

(I) Seminary, convent and monastery;

(J) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-1104 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-1100 is prohibited.

3-1105 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 30 dwelling units per acre.

(B) *Lot size.*

(1) Each single-family, two-family and townhouse dwelling unit shall be located on a lot with a minimum land area of 1,452 square feet.

(2) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For single-family and two-family duplex dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

(2) For townhouse dwellings, the minimum lot width at the front building line and the front lot line shall be 18 feet for interior lots; provided however that the planning commis-

sion may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:

(a) Three or more townhouses are being developed contemporaneously; and

(b) The average lot width and lot frontage in the development is at least 18 feet.

3-1106 Bulk and open space regulations.

(A) *Yard requirements.*

(1) *Front yard.* The front building line shall be the same as the front lot line unless a majority of the existing buildings with frontage on the same side of the block as the proposed building have a greater setback, in which case the front building line shall be the average distance of the existing buildings from the front lot line. If there are no existing buildings, the front building line shall be the front lot line. It is the intent of this provision that in the RM zone buildings shall abut the sidewalk unless a greater setback has been established by the existing buildings on the same side of the block.

(2) *Side yards.*

(a) Each single and two-family dwelling shall provide two side yards of a minimum size of five feet. Each interior end lot in a group of townhouses shall provide one side yard of a minimum size of five feet.

(b) Each other use shall provide two side yards of a minimum of 25 feet each.

(3) *Rear yard.*

(a) Each residential use shall provide a rear yard based on a setback ratio of 1:2 and a minimum size of 16 feet.

(b) Each other use shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 16 feet.

(4) *Corner lot.* When a building is on a corner lot, the two frontages abutting the intersecting streets shall comply with the front yard requirements of section 3-1106(A)(1). The remaining yard on an exterior townhouse lot shall comply with the rear yard requirement of section 3-1106(A)(3)(a).

(B) *Open and usable space.*

(1) Each residential lot shall provide open and usable space in an amount equal to the lesser of the following:

(a) 35 percent of the lot area, or

(b) The amount existing on June 24, 1992.

In no event may the amount of open and usable space provided be less than 300 square feet.

(2) No new construction, no additions to any existing dwelling and no accessory structure which will reduce the open and usable space below that required under section 3-1106(B)(1) above shall be allowed to be built on the lot.

(3) Driveways and alleys shall not be considered open space for the purpose of this section 3-1106(B). Where two or more parking spaces are provided, one parking space may be considered open space.

(4) In the case of a developed lot which did not meet the larger of the open and usable space requirement of section 3-1106(B)(1)(a) or 300 square feet, as of June 24, 1992, the eight-foot minimum width requirement of section 2-180 shall not apply to exclude from categorization as open and usable space any space on the lot which otherwise qualifies as open and usable space under section 2-180.

(C) *FAR.* The maximum permitted floor area ratio is 1.50.

(D) *Height.* The maximum permitted height of a structure is 35 feet, provided however that the maximum height may be increased to an amount not to exceed 45 feet if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings.

3-1107 *Off-street parking.* Section 8-200(C)(5)(a), the rule applicable to the Old and Historic Alexandria District, shall govern access to parking on land zoned RM, but located outside of such district.

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.

(A) Land zoned to RM after February 10, 1953 but prior to November 17, 1979 may be developed at a minimum lot size of 1,000 square feet per dwelling unit.

(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 single-family residence with accessory structures.

(C) Development on lots of record as of February 10, 1953 are subject to the following side yard regulations:

(1) Each residential lot which is 35 feet wide or more shall provide two side yards of at least five feet each.

(2) Each residential lot which is at least 25 feet but less than 35 feet wide shall provide one side yard of at least five feet.

(3) No side yard is required on a residential lot which is less than 25 feet wide.

(4) Two side yards of at least five feet each shall be required for each nonresidential lot regardless of the width of the lot.

(D) Those apartments in masonry buildings existing on February 10, 1953, which apartments were created prior to June 26, 1992, or were created after June 26, 1992 and prior to March 7, 2000, with approval of a special use permit, shall be characterized as noncomplying uses. (Ord. No. 3647, § 1, 6-22-93; Ord. No. 3713, § 1, 3-19-94; Ord. No. 3822, § 2, 9-16-95; Ord. No. 3912, § 2, 1-25-97; Ord. No. 4121, § 1, 4-15-00; Ord. No. 4573, § 1, 12-13-08; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-1200 RS/Townhouse zone.

3-1201 *Purpose.* The RS zone is established to provide land areas for low to medium density townhouse development of approximately 15 units per acre which may be appropriate for infill sites in proximity to neighborhoods of single-family detached homes.

3-1202 *Permitted uses.* The following uses are permitted in the RS zone:

(A) Townhouse dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Home occupation, as permitted by section 7-300;

(E) Public park;

(F) Utilities, as permitted by section 7-1200.

3-1202.1 *Administrative special uses.* The following uses may be allowed in the RS zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Child or elder care home, other than pursuant to section 3-1202.

3-1203 *Special use.* The following uses may be allowed in the RS zone pursuant to a special use permit:

(A) Cemetery;

(B) Nursing or convalescent home or hospice;

(C) Rooming house;

(D) Seminary, convent and monastery;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-1204 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-1200 is prohibited.

3-1205 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 15 dwelling units per acre.

(B) *Lot size.* Each townhouse dwelling shall be located on a lot of at least 2,904 square feet of land area.

(C) *Lot width and frontage.* The minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for each interior lot, 26 feet for each end unit and 38 feet for each corner lot.

3-1206 *Bulk and open space regulations.*

(A) *Yard requirements.*

(1) *Front yard.* Each dwelling shall provide a front yard of at least 20 feet.

(2) *Side yards.* Each end lot in a group of townhouses shall provide a side yard based on a setback ratio of 1:3 and a minimum size of eight feet.

(3) *Rear yard.* Each dwelling shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 16 feet.

(B) *Open and usable space.* A minimum of 35 percent of each lot shall be provided as open and usable space.

(C) *FAR.* The maximum permitted floor area ratio is .75.

(D) *Height.* The maximum permitted height of a structure is 35 feet.

(E) *Walkways.* A public alley or walkway is required to facilitate trash removal.
(Ord. No. 3912, § 2, 1-25-97; Ord. No. 5035, § 1, 6-28-16)

Sec. 3-1300 RT/Townhouse zone.

3-1301 *Purpose.* The RT zone is established to provide land areas for low density residential townhouse development at approximately nine units per acre which may be appropriate for infill sites in proximity to neighborhoods of low density single-family detached homes.

3-1302 *Permitted uses.* The following uses are permitted in the RT zone:

(A) Townhouse dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Home occupation, as permitted by section 7-300;

(E) Public park;

(F) Utilities, as permitted by section 7-1200.

3-1302.1 *Administrative special uses.* The following uses may be allowed in the RT zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Child or elder care home, other than pursuant to section 3-1302.

3-1303 *Special uses.* The following uses may be allowed in the RT zone pursuant to a special use permit:

(A) Cemetery;

(B) Nursing or convalescent home or hospice;

(C) Rooming house;

(D) Seminary, convent and monastery;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance;

provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-1304 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 3-1300 is prohibited.

3-1305 *Density and lot requirements.*

(A) *Density.* Gross density shall not exceed 9.5 dwelling units an acre.

(B) *Lot size.* Each townhouse dwelling shall be located on a lot of at least 2,500 square feet of land area. An additional 1,000 square feet of land area per dwelling must be provided in individual front, side and rear yards or as common open space.

(C) *Lot width and frontage.*

(1) The average width of all interior lots within a group of townhouses shall be no less than 24 feet.

(2) No individual interior lot may be less than 22 feet wide.

(3) Corner lots or lots at the end of a group of townhouses shall be at least 45 feet wide.

3-1306 *Bulk and open space regulations.*

(A) *Yards.*

(1) *Front yard.*

(a) The average front building line within a group must be at least six feet from the front lot line.

(b) No front building line may be less than four feet from the front lot line.

(c) No more than three dwellings in a group may have the same front building line or roof line.

(2) *Side yards.* Each end lot in a group of townhouses shall provide a side yard of at least 20 feet.

(3) *Rear yard.* Each dwelling shall provide a rear yard of at least 35 feet.

(B) *Coverage.* No more than 30 percent of any lot may be covered with buildings or structures.

(C) *FAR.* The maximum permitted floor area ratio is .5.

(D) *Height.* The maximum permitted height of a structure is 35 feet.

(E) *Walkways.* A public alley or walkway is required to facilitate trash removal.

(Ord. No. 3912, § 2, 1-25-97; Ord. No. 5035, § 1, 6-28-16)

ARTICLE IV. COMMERCIAL, OFFICE AND INDUSTRIAL ZONES

Sec. 4-100 CL/Commercial low zone.
Sec. 4-200 CC/Commercial community zone.
Sec. 4-300 CSL/Commercial service low zone.
Sec. 4-400 CG/Commercial general zone.
Sec. 4-500 CD/Commercial downtown zone.
Sec. 4-600 CD-X/Commercial downtown zone (Old Town North).
Sec. 4-700 CR/Commercial regional zone.
Sec. 4-800 OC/Office commercial zone.
Sec. 4-900 OCM(50)/Office commercial medium (50) zone.
Sec. 4-1000 OCM(100)/Office commercial medium (100) zone.
Sec. 4-1100 OCH/Office commercial high zone.
Sec. 4-1200 I/Industrial zone.
Sec. 4-1300 UT/Utilities and transportation.
Sec. 4-1400 NR/Neighborhood retail zone (Arlandria).

Sec. 4-100 CL/Commercial low zone.

4-101 *Purpose.* The CL zone is intended to provide for small scale retail and service uses offering pedestrian oriented shopping and services for individual consumers and households located primarily in nearby residential areas. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed and designed so as to be in character with such development and be of such characteristics as not to be detrimental or a nuisance to nearby residential properties.

4-102 *Permitted uses.* The following uses are permitted in the CL zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

(E.1) Day care center;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(I) Private school, commercial;

(J) Public school;

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

(K) Retail shopping establishment, up to 20,000 gross square feet;

(L) Seminary, convent or monastery;

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

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

4-102.1 *Administrative special uses.* The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-103 *Special uses.* The following uses may be allowed in the CL zone pursuant to a special use permit:

(A) Animal care facility with overnight accommodation, other than pursuant to section 4-102.1;

(A.1) Bus shelter on private property;

(B) Congregate housing facility;

(C.1) Day labor agency;

(D) Reserved;

(E) Fraternal or private club;

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

(F) Funeral home;

(G) Home for the elderly;

(H) Motor vehicle parking or storage for more than 20 vehicles;

(I) Reserved;

(J) Nursing or convalescent home or hospice;

(J.1) Outdoor food and crafts market, other than pursuant to section 4-102.1;

(J.2) Outdoor garden center, other than pursuant to section 4-102.1;

(K) Private school, academic, with more than 20 students on the premises at any one time;

(L) Public building;

(M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;

(M.1) Retail shopping establishment, larger than 20,000 gross square feet;

(N) Rooming house;

(O) Social service use.

4-104 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-100 is prohibited.

4-105 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-106 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* For lots of 5,500 square feet or less, the maximum permitted floor area ratio for nonresidential

uses is .75. For lots larger than 5,500 square feet, the maximum permitted floor area ratio is .5 except that the floor area ratio may be increased to an amount not to exceed .75 with a special use permit.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

(C) *Height.* The maximum permitted height of a building is 35 feet except that the height may be increased with a special use permit, provided:

(1) The gross height may not exceed 45 feet; and

(2) The roof shall be sloped with the ridge line of the roof running parallel to the street.

4-107 Use limitations.

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

(B) No more than one vehicle limited to one car or light truck shall be used on the premises as part of the operation of any business except that additional vehicles may be permitted with a special use permit.

(C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.

(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

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

4-108 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3893, § 1, 11-16-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-200 CC/Commercial community zone.

4-201 *Purpose.* The CC zone is intended to provide for small scale retail and service uses offering both automobile and pedestrian oriented shopping and services for those selected sites that need special treatment because they are adjacent to both major roads and residential development. Proximity to residences requires that commercial uses be limited to those most compatible with nearby residential development. Direct access to a major roadway makes appropriate certain uses which are not permitted in the more restrictive CL zone.

4-202 *Permitted uses.* The following uses are permitted in the CC zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

(E.1) Day care center;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(H.1) Private school, commercial;

(I) Public school;

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

(J) Retail shopping establishment, up to 20,000 gross square feet;

(K) Seminary, convent or monastery;

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

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

4-202.1 *Administrative special uses.* The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-203 *Special uses.* The following uses may be allowed in the CC zone pursuant to a special use permit:

(A) Animal care facility with overnight accommodation, other than pursuant to section 4-202.1;

(A.1) Automobile service station;

(B) Bus shelter on private property;

(C) Congregate housing facility;

(D) Convenience store;

(E) Reserved;

(F) Reserved;

(G) Drive through facility;

(H) Fraternal or private club;

(I) Funeral home;

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

(J) Home for the elderly;

(K) Light automobile repair;

(L) Motor vehicle parking or storage for more than 20 vehicles;

(M) Reserved;

(N) Nursing or convalescent home or hospice;

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

(N.2) Outdoor garden center, other than pursuant to section 4-202.1;

(O) Reserved;

(P) Private school, academic, with more than 20 students at any one time;

(Q) Public building;

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

(R.1) Retail shopping establishment, larger than 20,000 gross square feet;

(S) Rooming house;

(T) Social service use.

4-204 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-200 is prohibited.

4-205 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-206 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is .5.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units per acre for multifamily or 22 units per acre for townhouse development.

(C) *Height.* The maximum permitted height of a building is 35 feet except that the height may be increased to an amount not to exceed 45 feet with a special use permit.

4-207 Use limitations.

(A) All operations, including storage, shall take place within a completely enclosed building, except:

(1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or

(2) For uses which require a special use permit, the permit may authorize outdoor display for sales.

(B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.

(C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.

(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

4-208 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-300 CSL/Commercial service low zone.

4-301 *Purpose.* The CSL zone is intended to provide for light service and industrial uses compatible in operations and character with nearby residential neighborhoods and properties. Proximity to residences requires that commercial operations be conducted at a scale and intensity commensurate with nearby residential development, be developed so as to be in character with such development and be of such characteristics and effect so as not to be detrimental or a nuisance to nearby residential properties.

4-302 *Permitted uses.* The following uses are permitted in the CSL zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

(E.1) Day care center;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(H.1) Private school, commercial;

(I) Public school;

(J) Retail shopping establishment, up to 20,000 gross square feet;

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

(K) Seminary, convent or monastery;

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

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

4-302.1 *Administrative special uses.* The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-303 *Special uses.* The following uses may be allowed in the CSL zone pursuant to a special use permit:

(A) Animal care facility with overnight accommodation, other than pursuant to 4-302.1;

(A.1) Automobile service station;

(B) Automobile and trailer rental or sales area;

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

(C) Building materials storage and sales;

(D) Bus shelter on private property;

(E) Catering operation;

(F) Congregate housing facility;

(G) Convenience store;

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

(M) Glass shop;

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

(N) Home for the elderly;

(O) Laundry, dry cleaning operation;

(O.1) Light assembly, service and crafts;

(P) Light automobile repair;

(Q) Motor vehicle parking or storage for more than 20 vehicles;

(R) Reserved;

(S) Nursing or convalescent home or hospice;

(S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;

(S.2) Outdoor garden center, other than pursuant to section 4-302.1;

(T) Parcel delivery;

(U) Reserved;

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

(W) Public building;

(X) Research and testing laboratory;

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

(Y.1) Retail shopping establishment, larger than 20,000 gross square feet;

(Z) Rooming house;

(AA) Social service use;

(BB) Storage buildings and warehouses, not to include freight distribution centers;

(CC) Wholesale business.

4-304 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section is prohibited.

4-305 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-306 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplement yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential use is .5.

(2) *Residential.* The maximum permitted floor are ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

(C) *Height.* The maximum permitted height of a building is 50 feet.

4-307 Use limitations.

(A) All operations, including storage, shall take place within a completely enclosed building, except:

(1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or

(2) For uses which require a special use permit, the permit may authorize outdoor display for sales.

(B) Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic.

(C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(D) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.

(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

4-308 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3741, § 1, 6-18-94; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-400 CG/Commercial general zone.

4-401 *Purpose.* The CG zone is intended to provide for retail and service uses, including automobile oriented businesses, in community serving shopping centers along major roads. Although office uses are permitted, the zone is not intended as an area for office centers.

4-402 *Permitted uses.* The following uses are permitted in the CG zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

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

(E.2) Day care center;

(E.3) Health and athletic club located within a shopping center, hotel or office complex;

(F) Medical laboratory;

(G) Medical office;

(H) Motor vehicle parking or storage for 20 vehicles or fewer;

(H.1) Private school, commercial;

(I) Personal service establishment;

(J) Public school;

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

(K) Retail shopping establishment, up to 20,000 gross square feet;

(L) Seminary, convent or monastery;

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

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

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

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

(A.1) Restaurant;

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

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-403 *Special uses.* The following uses may be allowed in the CG zone pursuant to a special use permit:

(A) Amusement enterprise;

(B) Animal care facility with overnight accommodation, other than pursuant to section 4-402.1;

(B.1) Apartment hotel;

(C) Automobile service station;

(D) Automobile and trailer rental or sales area;

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

(E) Bus shelter on private property;

(F) Congregate housing facility;

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

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

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

(N) Home for the elderly;

(O) Hospital;

(P) Hotel;

(Q) Laundry, dry cleaning operation;

(R) Light automobile repair;

(S) Medical care facility;

(T) Motor vehicle parking or storage for more than 20 vehicles;

(U) Reserved;

(V) Nursing or convalescent home or hospice;

(V.1) Outdoor food and crafts market, other than pursuant to section 4-402.1;

(V.2) Outdoor garden center, other than pursuant to section 4-402.1;

(W) Private school, academic, with more than 20 students on the premises at any one time;

(X) Public building;

(Y) Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1;

(Y.1) Retail shopping establishment, larger than 20,000 gross square feet;

(Z) Rooming house;

(AA) Social service use.

4-404 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-400 is prohibited.

4-405 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. For each multifamily dwelling unit 1,600 square feet of land area shall be provided and for each townhouse dwelling unit 1,980 square feet.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-406 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. In the case of townhouses the side yard requirement shall apply only to interior end lots. Each multifamily dwelling shall comply with these yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is .5.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is .75, not to exceed a maximum of 27 units for each acre for multifamily or 22 units for each acre for townhouse development.

(C) *Height.* The maximum permitted height of a building is 50 feet.

4-407 Use limitations.

(A) All operations, including storage, shall take place within a completely enclosed building, except:

(1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or

(2) For uses which require a special use permit, the permit may authorize outdoor display for sales.

(B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

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

4-408 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-500 CD/Commercial downtown zone.

4-501 *Purpose.* The CD zone is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the city's downtown business core. The location of the zone in and near the Old and Historic Alexandria District requires that such uses be compatible with nearby residential housing and with that area generally.

4-502 *Permitted uses.* The following uses are permitted in the CD zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

(F) City sponsored farmers' market;

(F.1) Day care center;

(G) Medical laboratory;

(H) Medical office;

(H.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(I) Personal service establishment;

(J) Private school, commercial;

(K) Public school;

(L) Radio or TV broadcasting office and studio;

(L.1) Reserved;

(M) Retail shopping establishment, up to 20,000 gross square feet;

(N) Seminary, convent or monastery;

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

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

4-502.1 *Administrative special uses.* The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Massage establishment;

(B) Outdoor garden center;

(C) Outdoor food and crafts market;

(D) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);

(E) Restaurant;

(F) Valet parking.

4-503 *Special uses.* The following uses may be allowed in the CD zone pursuant to a special use permit:

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-502.1;

(B) Apartment hotel;

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

(C) Bed and breakfast accommodation, as permitted by section 7-400;

(D) Bus shelter on private property;

(E) Catering operation;

(F) Congregate housing facility;

(G) Reserved;

(G.1) Day labor agency;

(H) Reserved;

(H.1) Drive through facility, limited to banks, savings and loan institutions and credit unions on Washington Street; provided, that access to the drive through facility is solely provided on the exclusive property of the bank, savings and loan institution or credit union offering the drive through facility;

(I) Fraternal or private club;

(J) Funeral home;

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

(L) Home for the elderly;

(M) Homeless shelter;

(N) Hospital;

(O) Hotel;

(P) Medical care facility;

(Q) Motor vehicle parking or storage for more than 20 vehicles;

(R) Newspaper office, including printing and publishing facilities;

(S) Reserved;

(T) Nursing or convalescent home or hospice;

(T.1) Outdoor food and crafts market, other than pursuant to section 4-502.1;

(T.2) Outdoor garden center, other than pursuant to section 4-502.1;

(U) Private school, academic, with more than 20 students on the premises at any one time;

(V) Public building;

(W) Restaurant, other than pursuant to section 4-502.1;

(W.1) Retail shopping establishment, larger than 20,000 gross square feet;

(X) Rooming house;

(Y) Social service use;

(Z) Tourist home;

(AA) Wholesale business.

4-504 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-500 is prohibited.

4-505 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each multifamily structure shall provide a minimum land area of 1,245 square feet per dwelling unit except that the minimum land area for each dwelling unit may be reduced to an amount no lower than 800 square feet with a special use permit. Each single-family, two-family and townhouse dwelling shall provide a minimum land area of 1,452 square feet.

(2) *Frontage.*

(a) When measured at both the front lot line and the front building line, each multifamily dwelling requires a minimum of 50 feet of frontage.

(b) For single-family and two-family duplex dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 25 feet. For two-family semi-detached dwellings, the minimum lot frontage shall be 25 feet for each dwelling unit.

(c) For townhouse dwellings, the minimum lot width at the front building line and the front lot line shall be 18 feet for interior lots; provided however that the planning commission may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:

(1) Three or more townhouses are being developed contemporaneously; and

(2) The average lot width and lot frontage in the development is at least 18 feet.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development, provided the residential component consists of three or more dwelling units.

4-506 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses, the following yard and open space requirements apply:

(a) *Front yard.* The front building line shall be the same as the front lot line unless a majority of the existing buildings with frontage on the same side of the block as the proposed building have a greater setback, in which case the front building line shall be the average distance of the existing buildings from the front lot line. If there are no existing buildings, the front building line shall be the front lot line. It is the intent of this provision that in the CD zone residential buildings shall abut the sidewalk unless a greater setback has been established by the existing buildings on the same side of the block.

(b) *Side yards.*

(1) Each single and two-family dwelling shall provide two side yards of a minimum size of five feet.

Each interior end unit in a group of townhouses shall provide one side yard of a minimum size of five feet.

(2) Each multifamily dwelling shall provide two side yards based on a 1:3 setback ratio and of a minimum of 25 feet each.

(c) *Rear yard.*

(1) Each single-family, two-family and townhouse dwelling shall provide a rear yard based on a setback ratio of 1:2 and a minimum size of 16 feet.

(2) Each multifamily dwelling shall provide a rear yard based on a setback ratio of 1:1 and a minimum size of 25 feet.

(d) *Multifamily open space.* Multifamily 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 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.

(e) *Single-family, two-family and townhouse open and usable space.*

(1) Each single-family, two-family and townhouse dwelling shall provide open and usable space in an amount equal to the lesser of the following:

(a) 35 percent of the lot area, or

(b) The amount existing on June 24, 1992.

(2) No additions to any new or existing dwelling and no accessory structure which will reduce the open and usable space below that required under section 4-506(A)(2)(e)(1) above shall be allowed to be built in back or side yards.

(3) Driveways and alleys shall not be considered open space for the purpose of this section

4-506(A)(2)(e). Where two or more parking spaces are provided, one parking space may be considered open space.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 1.5 except that the floor area ratio may be increased to an amount not to exceed 2.5 with a special use permit.

(2) *Residential.* The maximum permitted floor area ratio for multifamily residential uses is 1.25, not to exceed 35 units per acre except that the number of dwelling units per acre may be increased to a number not to exceed 54.45 with a special use permit. The maximum permitted floor area ratio for single-family, two-family and townhouses dwellings is 1.50.

(C) *Height.* The maximum permitted height of a building is 50 feet, except that the maximum permitted height of a single-family, two-family or townhouse dwelling is 35 feet, provided however that such maximum height may be increased to an amount not to exceed 45 feet if the ridge line of the roof is parallel to the street and the slope of the roof is compatible with neighboring buildings.

4-507 Use limitations.

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

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

4-508 *Accessory apartments.* A maximum of four apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size with the following exceptions: parking spaces may be compact size or tandem; parking shall be located either on the site or within 500 feet of it; and each one bedroom apartment unit shall provide at least one parking space.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 4—8, 5-5-93; Ord. No. 3713, § 2, 3-19-94; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3800, § 2, 5-13-95; Ord. No. 3807, § 1, 6-17-95; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-600 CD-X/Commercial downtown zone (Old Town North).

4-601 *Purpose.* The CD-X zone is intended to provide for an urban mix of retail, office, service, hotel, residential and civic functions for the Old Town North area of the city.

4-602 *Permitted uses.*

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Church;

(D.1) Day care center;

(E) Medical laboratory;

(F) Medical office;

(F.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(G) Personal service establishment;

(H) Private school, commercial;

(I) Public school;

(J) Radio or TV broadcasting facility;

(K) Retail shopping establishment, up to 20,000 gross square feet;

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

(L) Seminary, convent or monastery;

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

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

4-602.1 *Administrative special uses.* The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-603 *Special uses.*

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-602.1;

(B) Apartment hotel;

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

(C) Bus shelter on private property;

(D) Catering operation;

(E) Congregate housing facility;

(F) Reserved;

(F.1) Day labor agency;

(G) Reserved;

(H) Fraternal or private club;

(I) Funeral home;

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

(K) Home for the elderly;

(L) Homeless shelter;

(M) Hospital;

(N) Hotel;

(O) Medical care facility;

(O.1) Motor vehicle parking or storage for more than 20 vehicles;

(P) Newspaper office, including printing and publishing facilities;

(Q) Reserved;

(R) Nursing or convalescent home or hospice;

(R.1) Outdoor food and crafts market, other than pursuant to section 4-602.1;

(R.2) Outdoor garden center, other than pursuant to section 4-602.1;

(S) Private school, academic, with more than 20 students on the premises at any one time;

(T) Public building;

(U) Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1;

(U.1) Retail shopping establishment, larger than 20,000 gross square feet;

(V) Rooming house;

(W) Social service use;

(X) Tourist home;

(Y) Wholesale business.

4-604 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-600 is prohibited.

4-605 *Area regulations.*

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. Each multifamily and townhouse dwelling shall provide a minimum land area of 1,245 square feet per dwelling unit except that the minimum land area per dwelling unit may be reduced to 436 square feet with a special use permit.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit. When measured at both the front lot line and the front building line, each townhouse dwelling requires a minimum of 18 feet of frontage; provided, however that the planning commission may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:

(a) Three or more townhouses are being developed contemporaneously; and

(b) The average lot width and lot frontage in the development is at least 18 feet.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-606 *Bulk regulations.*

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each townhouse dwelling shall provide a rear yard based on a 1:2 setback ratio and a minimum of 16 feet, and each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet. Each multifamily dwelling shall comply with these townhouse yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *Open space.* Multifamily residential development shall provide 25 percent and single-family and two-family 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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 1.5, except that (1) the floor area ratio may be increased to an amount not to exceed 2.5 with a special use permit and (2) in the case of a lot or parcel developed under common ownership or control, which is 12,000 square feet or less in area and located in a retail focus area, the floor area ratio may be increased to 2.5 without a special use permit if underground parking is provided consistent with section 6-504.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is 1.25, not to exceed 35 units per acre except that for properties within the area bounded by First, Third, North Royal and North Fairfax Streets the floor area ratio may be increased to 2.0, not to exceed 100 units per acre with a special use permit subject to the following standards:

(a) A minimum of five percent affordable housing shall be provided, or the proposal shall meet the requirements of the city wide affordable housing policy in effect at the time the application is submitted, whichever requirement is greater. The location of the affordable housing (on or off site) shall be determined by the city.

(b) No parking reductions for residential and office uses shall be granted, and all such parking shall be located below grade.

(c) All overhead utilities (existing and proposed) on all public street frontages shall be located underground.

(d) Notwithstanding the provisions of subsection (C) of this section 4-606, the maximum height shall not exceed 50 feet, with portions of the buildings and/or townhouses providing significant variation in building heights less than 50 feet.

(e) All units shall orient their facades with main entries toward a public street, and mews units are discouraged.

(f) The buildings or townhouses shall be consistent with traditional architectural style, scale and treatment. Exterior materials shall be limited to masonry (brick, stone or precast), wood and comparable high quality materials.

(g) Notwithstanding the provisions of subsection (A)(2)(b) of this section 4-606, a minimum of 25 percent ground level open and usable space shall be provided. Such space shall be visually and physically accessible from a public street. A portion of such space shall be subject to a public access and use easement. Public art and/or sculpture shall be provided within such space.

(h) Pedestrian and streetscape improvements shall be provided, including but not limited to the provision of continuous brick sidewalks, street trees and public connections to the waterfront or existing parkland, to the extent possible.

(i) Green and sustainable building technologies shall be incorporated as part of the building and building systems.

(j) The development shall comply with the Old Town North Urban Design Guidelines.

(k) The retail requirement within a retail focus area shall be a minimum of 10 percent of the area of each lot in the retail focus area, and subject to the provisions of section 6-500 of this ordinance.

(C) *Height.* The maximum permitted height of a building is that height indicated in the Old Town North Small Area Plan.

4-607 *Use limitations.*

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

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

4-608 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3697, § 1, 1-22-94; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96;

Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4371, §§ 1, 2, 12-18-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4910, § 1, 11-15-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-700 CR/Commercial regional zone.

4-701 *Purpose.* The CR zone is intended to provide areas suitable for large scale shopping centers serving regional needs. Such centers are characterized by uses offering retail comparison shopper goods, locations accessible from regional highways, and an integrated and connected complex of structures with internal roadways.

4-702 *Permitted uses.* The following uses are permitted in the CR zone:

(A) Amusement enterprise;

(A.1) Animal care facility with no overnight accommodation;

(A.2) Day care center;

(B) Health and athletic club;

(C) Light auto repair or drive through facility located in a freestanding building not part of an integrated and connected complex of structures;

(D) Motor vehicle parking or storage;

(E) Personal service establishment;

(E.1) Reserved;

(E.2) Private school, commercial;

(E.3) Public school;

(F) Restaurant;

(G) Retail shopping establishment;

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

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

4-702.1 *Administrative special uses.* The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

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

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-703 *Special uses.* The following uses may be allowed in the CR zone pursuant to a special use permit:

(A) Automobile service station;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-702.1;

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

(B) Bus shelter on private property;

(C) Reserved;

(D) Reserved;

(E) Drive through facility;

(F) Hotel;

(G) Interstate bus station;

(H) Light automobile repair;

(I) Reserved;

(J) Reserved.

4-704 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-700 is prohibited.

4-705 *Building regulations.*

(A) *Floor area ratio.* The maximum permitted floor area ratio is 1.0.

(B) *Height.* The maximum permitted height of a building is 77 feet except that the height may be increased to an amount not to exceed 150 feet with a special use permit.

4-706 *Minimum size.* No site shall be zoned to CR unless it contains a minimum of 40 acres of land and no development proposal shall be approved unless it can accommodate 500,000 square feet of gross leasable floor space.

4-707 *Use limitations.* 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.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3674, § 1, 10-16-93; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4759, § 1, 4-14-12; Ord. No. 4910, § 1, 11-15-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-800 OC/Office commercial zone.

4-801 *Purpose.* The OC zone is designed to allow areas for primarily office use of moderate density and relatively low heights. Uses compatible with small scale offices such as retail, hotel, residential, commercial and service uses are also allowed.

4-802 *Permitted uses.* The following uses are permitted in the OC zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

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

(E.2) Day care center;

(E.3) Health and athletic club located within a shopping center, hotel or office complex;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(I) Private school, commercial;

(I.1) Public school;

(J) Radio or TV broadcasting office and studio;

(K) Retail shopping establishment, up to 20,000 gross square feet;

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

(L) Seminary, convent or monastery;

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

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

4-802.1 *Administrative special uses.* The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-803 *Special uses.* The following uses may be allowed in the OC zone pursuant to a special use permit:

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-802.1;

(B) Apartment hotel;

(C) Automobile service station;

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

(D) Bus shelter on private property;

(E) Catering operation;

(F) Congregate housing facility;

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

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

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

(N) Home for the elderly;

(O) Homeless shelter;

(P) Hospital;

(Q) Hotel;

(R) Interstate bus station;

(S) Light automobile repair;

(T) Medical care facility;

(U) Motor vehicle parking or storage for more than 20 vehicles;

(V) Reserved;

(W) Nursing or convalescent home or hospice;

(W.1) Outdoor food and crafts market other than pursuant to section 4-802.1;

(W.2) Outdoor garden center other than pursuant to section 4-802.1;

(X) Private school, academic, with more than 20 students on the premises at one time;

(Y) Public building;

(Z) Research and testing laboratory;

(AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1;

(AA.1) Retail shopping establishment, larger than 20,000 gross square feet;

(BB) Rooming house;

(CC) Social service use;

(DD) Wholesale business.

4-804 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-800 is prohibited.

4-805 Area regulations.

(A) *Nonresidential.* For nonresidential uses there are no lot size or frontage requirements.

(B) *Residential.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit. Each multifamily or townhouse use shall provide a minimum land area of 800 square feet for each multifamily dwelling unit or 1,600 square feet for each townhouse unit.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, two-family duplex dwelling and multifamily dwelling requires a minimum of 50 feet of frontage, a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit, and each townhouse dwelling requires a minimum of 18 feet of frontage for interior lots, 26 feet of frontage for end lots and 38 feet of frontage for interior corner lots.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-806 Bulk regulations.

(A) *Yards and open space.*

(1) *Nonresidential.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations pursuant to section 7-1000 and the zone transition requirements of section 7-900.

(2) *Residential.* For residential uses the following yard and open space requirements apply:

(a) *Yards.* Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each townhouse dwelling shall provide a rear yard based on a 1:1 setback ratio and a minimum of 25 feet, and each interior end unit

townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet. Each multifamily dwelling shall comply with these townhouse yard requirements except that side yards shall be based on a setback ratio of 1:2 and a minimum of 16 feet.

(b) *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 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.

(3) *Mixed use.* 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.

(B) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 1.00.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is 1.25, not to exceed 54.45 units per acre for multifamily or 22 units per acre for townhouse development.

(C) *Height.* The maximum permitted height of a building is 50 feet.

4-807 Use limitations.

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

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.

(D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

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

4-808 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4843, § 1, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-900 OCM(50)/Office commercial medium (50) zone.

4-901 *Purpose.* The OCM (50) zone is designed to allow areas of primarily office use at moderate densities and heights in areas of the city where higher

densities and heights are inappropriate either because the access to major transportation facilities is limited or because the area is close to residential areas or both.

4-902 *Permitted uses.* The following uses are permitted in the OCM(50) zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

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

(E.2) Day care center;

(E.3) Health and athletic club located within a shopping center, hotel or office complex;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(I) Private school, commercial;

(I.1) Public school;

(J) Radio or TV broadcasting office and studio;

(K) Retail shopping establishment, up to 20,000 gross square feet;

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

(L) Seminary, convent or monastery;

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

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

4-902.1 *Administrative special uses.* The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking.

4-903 *Special uses.* The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-902.1;

(B) Apartment hotel;

(C) Automobile service station;

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

(D) Bus shelter on private property;

(E) Catering operation;

(F) Congregate housing facility;

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

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

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

(N) Home for the elderly;

(O) Homeless shelter;

(P) Hospital;

(Q) Hotel;

(R) Interstate bus station;

(S) Light automobile repair;

(T) Medical care facility;

(U) Motor vehicle parking or storage for more than 20 vehicles;

(V) Reserved;

(W) Nursing or convalescent home or hospice;

(W.1) Outdoor food and crafts market, other than pursuant to section 4-902.1;

(W.2) Outdoor garden center, other than pursuant to section 4-902.1;

(X) Private school, academic, with more than 20 students on the premises at any one time;

(Y) Public building;

(Z) Research and testing laboratory;

(AA) Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;

(AA.1) Retail shopping establishment, larger than 20,000 gross square feet;

(BB) Rooming house;

(CC) Social service use;

(DD) Wholesale business.

4-904 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-900 is prohibited.

4-905 *Area and bulk regulations.*

(A) *Yards.*

(1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on

a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(3) *Mixed use.* When a development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.

(B) *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 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.

(C) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 1.50.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is 1.50, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units for each acre.

(D) *Height.* The maximum permitted height of a building is 50 feet, except that additional height up to a maximum of 77 feet may be approved with a special use permit.

(E) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(F) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(G) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-906 *Use limitations.*

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

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.

(D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

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

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

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

4-907 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4,

1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4843, § 1, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-1000 OCM(100)/Office commercial medium (100) zone.

4-1001 *Purpose.* The OCM(100) zone is designed to allow areas of primarily office use at moderate densities in areas of the city where higher densities are inappropriate either because the access to major transportation facilities is limited or because the area is close to residential areas or both but where greater heights will not negatively impact adjacent areas.

4-1002 *Permitted uses.* The following uses are permitted in the OCM(100) zone:

(A) Single-family dwelling, except as limited by section 4-1003(A.1);

(A.1) Two-family dwelling, except as limited by section 4-1003(A.1);

(A.2) Townhouse dwelling, except as limited by section 4-1003(A.1);

(B) Multi-family dwelling, except as limited by section 4-1003 (A.1);

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

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

(E.2) Day care center;

(E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space center or office complex;

(F) Medical laboratory;

(G) Medical office;

(G.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(H) Personal service establishment;

(I) Private school, commercial;

(I.1) Public school;

(J) Radio or TV broadcasting office and studio;

(K) Retail shopping establishment, up to 20,000 gross square feet;

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

(L) Seminary, convent or monastery;

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

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

4-1002.1 Administrative special uses. The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking;

(H) Catering operation in an industrial or flex space center; and

(I) Light auto repair in an industrial or flex space center.

4-1003 Special uses. The following uses may be allowed in the OCM (100) zone pursuant to a special use permit:

(A) Amusement enterprise;

(A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

(A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1002.1;

(B) Apartment hotel;

(C) Automobile service station;

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

(D) Bus shelter on private property;

(E) Catering operation, other than pursuant to section 4-1002.1;

(F) Congregate housing facility;

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

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

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

(N) Home for the elderly;

(O) Homeless shelter;

(P) Hospital;

(Q) Hotel;

(R) Interstate bus station;

(S) Light automobile repair, other than pursuant to section 4-1002.1;

(T) Medical care facility;

(U) Motor vehicle parking or storage for more than 20 vehicles;

(V) Reserved;

(W) Nursing or convalescent home or hospice;

(W.1) Outdoor food and crafts market, other than pursuant to section 4-1002.1;

(W.2) Outdoor garden center, other than pursuant to section 4-1002.1;

(X) Private school, academic;

(Y) Public building;

(Z) Research and testing;

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

(AA.1) Retail shopping establishment, larger than 20,000 gross square feet;

(BB) Rooming house;

(CC) Social service use;

(DD) Wholesale business.

4-1004 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-1000 is prohibited.

4-1005 *Area and bulk regulations.*

(A) *Yards.*

(1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(3) Mixed use. When a development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.

(B) *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 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.

(C) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 1.50.

(2) *Residential.* The maximum permitted floor area ratio for residential uses is 1.50, not to exceed one dwelling unit for 800 square feet of lot area or 54.45 units for each acre.

(D) *Height.* The maximum permitted height of a building is 100 feet, except that additional height up to a maximum of 150 feet may be approved with a special use permit.

(E) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(F) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(G) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-1006 Use limitations.

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

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.

(D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

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

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

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

4-1007 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4104, §§ 1—3, 2-12-00; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4843, § 1, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-1100 OCH/Office commercial high zone.

4-1101 *Purpose.* The OCH zone is designed to allow office centers in those areas suitable for high density and heights.

4-1102 *Permitted uses.* The following uses are permitted in the OCH zone:

(A) Single-family dwelling, except as limited by section 4-1103(A.1);

(A.1) Two-family dwelling, except as limited by section 4-1103(A.1);

(A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);

(B) Multi-family dwelling, except as limited by section 4-1103(A.1);

(C) Animal care facility with no overnight accommodation;

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

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

(E.2) Day care center;

(E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space building or office complex;

(F) Hospital;

(G) Medical care facility;

(H) Medical laboratory;

(I) Medical office;

(I.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(J) Personal service establishment, on the same lot as office use;

(K) Private school, commercial;

(K.1) Public school;

(L) Radio or television broadcasting office and studio;

(L.1) Restaurant located within a shopping center or hotel;

(M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;

(N) Seminary, convent or monastery;

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

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

4-1102.1 *Administrative special uses.* The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

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

(A.1) Health and athletic club;

(A.2) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

(G) Valet parking;

(H) Catering operation in an industrial or flex space center; and

(I) Light auto repair in an industrial or flex space center.

4-1103 *Special uses.* The following uses may be allowed in the OCH zone pursuant to a special use permit:

(A) Amusement enterprise;

(A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

(A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1102.1;

(B) Apartment hotel;

(C) Automobile service station;

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

(D) Bus shelter on private property;

(E) Congregate housing facility;

(F) Convenience store, other than pursuant to section 4-1102(E.1);

(G) Reserved;

(H) Reserved;

(H.1) Day labor agency;

(I) Drive through facility;

(J) Fraternal or private club;

(K) Funeral home;

(L) Health and athletic club other than pursuant to section 4-1102(E.3) or 4-1102.1(A.1);

(M) Home for the elderly;

(N) Homeless shelter;

(O) Hotel;

(P) Interstate bus station;

(Q) Light automobile repair;

(R) Motor vehicle parking or storage for more than 20 vehicles;

(S) Reserved;

(T) Nursing or convalescent home or hospice;

(T.1) Outdoor food and crafts market, other than pursuant to section 4-1102.1;

(T.2) Outdoor garden center, other than pursuant to section 4-1102.1;

(U) Private school, academic, with more than 20 students on the premises at one time;

(V) Public building;

(W) Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1;

(X) Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;

(X.1) Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;

(Y) Rooming house;

(Z) Social service use;

(AA) Wholesale business.

4-1104 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-1100 is prohibited.

4-1105 *Area and bulk regulations.*

(A) *Yards.*

(1) For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(2) For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(3) Mixed use. When development includes both residential and nonresidential uses, the residential yard regulations shall be applicable to the residential component of the development.

(B) *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 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.

(C) *Floor area ratio.*

(1) *Nonresidential.* The maximum permitted floor area ratio for nonresidential uses is 2.0, except:

(a) The maximum permitted floor area ratio may be increased to an amount not to exceed 3.0 with a special use permit; or

(b) The maximum permitted floor area ratio is 3.0 for a lot of record existing on June 24, 1992 that contains less than 15,000 square feet all or a portion of which is within 1,000 feet of the King Street Metro Station; provided however that this subparagraph shall not apply to lots abutting King Street, nor to lots west of Daingerfield Road.

(2) *Residential.*

(a) For residential uses other than those specified by section 4-1105(C)(2)(b) below, the maximum permitted floor area ratio is 1.25, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units an acre.

(b) For residential uses located within 1,000 feet of a metrorail station the maximum permitted floor area ratio is 2.0, except that the maximum floor area ratio may be increased to an amount not to exceed 3.0 with a special use permit.

(3) *Transition special use permits.* For land within the boundaries of a project approved by a transition special use permit which was valid as of November 1, 1994 and is located within 1,000 feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

(D) *Height.* The maximum permitted height of a building is 100 feet, provided that additional height up to a maximum of 150 feet may be approved with a special use permit.

(E) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(F) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling, and two-family

duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(G) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size and frontage regulations shall apply to the residential component of the development.

4-1106 Use limitations.

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

(B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.

(C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

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

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

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

4-1107 *Certain structures, lots and uses inconsistent with these provisions.* Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue, existing on November 9, 1999, or for which a building permit application or preliminary site plan application was filed and was pending or had been approved on or before November 9, 1999, shall not be subject to the requirement for a special use permit, shall not be characterized as nonconforming or noncomplying uses or structures, and shall be characterized as uses or structures grandfathered under prior law, pursuant to section 12-500 of this ordinance.

(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—3, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3807, § 2, 6-17-95; Ord. No. 3841, § 2, 1-20-96; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4104, §§ 3—6, 2-12-00; Ord. No. 4280, §§ 2, 5, 11-16-02; Ord. No. 4328, § 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4843, § 1, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-1200 I/Industrial zone.

4-1201 *Purpose.* The I zone is established to provide areas for light to medium industrial use, including service, distribution, manufacturing, wholesale and storage facilities at low densities in areas of the city which will not negatively impact adjacent neighborhoods.

4-1202 *Permitted uses.* The following uses are permitted in the I zone:

(A) Ambulance service;

(A.1) Animal care facility with overnight accommodation;

(B) Animal shelter;

(C) Automobile service station;

(D) Bottling plant;

(E) Building materials storage and sales;

(F) Business or professional office;

(G) Catering operations;

(H) Drive through facility;

(I) [Reserved];

(J) Funeral home;

(K) Glass shop;

(L) Health and athletic club;

(L.1) Ice and cold storage facility;

(M) Laundry, dry cleaning operations;

(N) Light assembly and crafts;

(N.1) Light automobile repair;

(O) Machine shop;

(P) Manufacturing;

(Q) Medical laboratory;

(Q.1 Motor vehicle parking or storage for 20 vehicles or fewer;

(R) Parcel delivery;

(S) Personal service establishment;

(T) Printing and publishing facilities;

(T.1) Private school, commercial;

(U) Radio or television broadcasting office and studio;

(V) Research and testing laboratory;

(V.1) Restaurant located within a shopping center or hotel;

(V.2) Retail shopping establishment, up to 20,000 gross square feet;

(W) Sheet metal shop;

(X) Stone monument works;

(Y) Storage buildings and warehouses;

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

(AA) Wholesale businesses;

(BB) Accessory uses, as permitted by section 7-100;

(CC) Public recycling center.

4-1202.1 Administrative special uses. The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Automobile and trailer rental or sales area;

(A.1) Restaurant;

(A.2) Day care center;

(B) Massage establishment;

(B.1) Motor vehicle parking or storage for more than 20 vehicles;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Reserved;

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

(G) Valet parking.

4-1203 *Special uses.* The following uses may be allowed in the I zone pursuant to a special use permit:

(A) Asphalt plant;

(A.1) Amusement enterprise;

(B) Automobile and trailer rental or sales area, other than pursuant to section 4-1202.1;

(C) Business offices other than those listed in section 4-1202(F);

(D) Bus shelter on private property;

(E) Concrete mixing and batching plant;

(F) Convenience store;

(F.1) Day labor agency;

(G) Freight distribution center;

(G.1) Fuel yard;

(H) General automobile repair;

(I) Helistop;

(J) Homeless shelter;

(K) Hospital;

(L) Interstate bus station;

(M) Junkyard;

(N) Medical care facility;

(O) Motor vehicle parking or storage for more than 20 vehicles, other than pursuant to section 4-1202.1;

(P) Motor vehicle storage yard;

(P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;

(P.2) Outdoor garden center, other than pursuant to section 4-1202.1;

(Q) Public building;

(R) Recycling and materials recovery facility;

(R.1) Restaurant, other than pursuant to section 4-1202(V.1) or 4-1202.1;

(R.2) Retail shopping establishment, larger than 20,000 gross square feet;

(S) Stone crushing operation;

(T) Vehicle towing service and associated impound lot;

(U) Waste to energy plant;

(V) Any other use not listed elsewhere in this ordinance.

4-1204 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-1200 is prohibited.

4-1205 *Area and bulk regulations.*

(A) *Yards.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(B) *Floor area ratio.* The maximum permitted floor area ratio is .85, except that the floor area ratio may be increased to an amount not to exceed 1.25 with a special use permit.

(C) *Height.* The maximum permitted height of a building is 50 feet, provided that in the case of a use that requires greater height for a tower, stack or other feature due to the inherent nature of its operations, the additional height needed to accommodate such feature may be approved with a special use permit.

4-1206 *Use limitations.*

(A) All uses and operations shall take place within a completely enclosed structure or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director.

(B) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
(Ord. No. 3606, §§ 4, 5, 12-12-92; Ord. No. 3612, § 1, 1-23-93; Ord. No. 3697, §§ 2, 3, 1-22-94; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 4049, §§ 3, 5, 5-15-99; Ord. No. 4280, §§ 3, 4, 11-16-02;

Ord. No. 4328, §§ 3, 6, 1-24-04; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4576, § 1, 1-24-09; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4791, § 1, 2-23-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 4-1300 UT/Utilities and transportation.

4-1301 *Purpose.* The UT zone is established to provide land areas in the city for utility and transportation uses.

4-1302 *Permitted uses.* The following uses are permitted in the UT zone:

(A) Electrical substation and/or switching station that covers a land area of less than 10,000 square feet including all land enclosed by fence, wall or other structure;

(B) Railroad, bus and rail transit passenger stations;

(C) Railroad switching yard;

(D) Railroad tracks;

(E) Telephone company dial center;

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

(G) Utility company office;

(H) Washington Metropolitan Area Transportation Authority stations and associated facilities and operations;

(I) Water pumping station, tower and reservoir;

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

4-1303 *Special uses.* The following uses may be allowed in the UT zone pursuant to a special use permit:

(A) Bus shelter on private property;

(B) Electrical power generating plant;

(B-1) Electrical substation and/or switching station that covers a land area of 10,000 square feet or more including all land enclosed by fence, wall or other structure;

(C) Helistop;

(D) Public utility service yard;

(E) Railroad, bus and rail transit maintenance, repair and operating facilities;

(F) Railroad car assembly operations;

(G) Railroad engine service operations;

(H) Railroad repair yards;

(I) Utility and transportation equipment and outdoor storage yards.

4-1304 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 4-1300 is prohibited.

4-1305 *Area and bulk regulations.*

(A) *Yards.* For nonresidential uses, there are no yard or open space requirements except as may be applicable pursuant to the supplemental yard or setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(B) *Floor area ratio.* The maximum permitted floor area ratio is .25, except that the floor area ratio may be increased to an amount not to exceed .5 with a special use permit.

(C) *Height.* The maximum permitted height of a building is 35 feet, except that the height may be increased to an amount not to exceed 50 feet with a special use permit.

4-1306 *Use limitations.*

(A) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.

(B) All uses and operations shall take place within a completely enclosed structure or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director.

4-1307 *Noncomplying use.* Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, electrical substation and switching stations that cover a land area of 10,000 square feet or more including all land enclosed by fence, wall or other structure that legally existed immediately before April 18, 2015 shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 4941, § 1, 4-18-15)

Sec. 4-1400 NR/Neighborhood retail zone (Arlandria).

4-1401 *Purpose.* The neighborhood retail zone is intended to revitalize Mount Vernon Avenue and the properties that abut Mount Vernon Avenue in Arlandria with a mix of uses, including pedestrian scale retail along the

street, by allowing certain uses with standards and by imposing additional regulations designed to achieve a desirable, active urban environment which preserves the integrity of the adjacent residential neighborhoods.

The neighborhood retail zone is intended to:

A) Enhance the pedestrian-oriented commerce with greater opportunities for shopping, recreation and cultural activities, with a variety of uses, including retail shops and services, restaurants and cafes for residents, commuters and tourists;

B) Promote redevelopment of existing properties and infill development consistent with the principles articulated in the long-term vision for the Arlandria Neighborhood as adopted as part of the master plan and with the currently adopted Mount Vernon Avenue Design Guidelines;

C) Maintain and enhance the integrity and viability of the adjacent residential neighborhoods, park land, schools, and religious and cultural institutions.

The Arlandria neighborhood retail zone shall apply to land that abuts the Mount Vernon Avenue corridor between Four Mile Run to the north and the intersection of West Glebe Road and Mount Vernon Avenue to the south.

4-1402 *Development principles.* Any redevelopment, new development, or infill development that requires review by the city for a special use permit, site plan, or administrative permit pursuant to section 4-1404 or section 4-1407 shall be consistent with the currently adopted Mount Vernon Avenue Design Guidelines, the infill development principles, and the building and retail guidelines articulated in the long-term vision for the Arlandria Neighborhood plan as adopted as part of the master plan. The following shall apply as a statement of principle:

(A) Maintain the strong mixed-use development pattern on Mount Vernon Avenue with ground floor retail, and residential and/or commercial uses on the floors above the ground floor;

(B) Maintain the existing scale of the buildings with two to three story buildings oriented to Mount Vernon Avenue. Increased building height may be located in the interior of a site, with a setback from the street that limits visibility from the street and sidewalks and limits shadows on the street and on Four Mile Run Park, where applicable;

(C) Infill development should expand the retail presence along the street;

(D) In order to support and promote pedestrian access and activity along Mount Vernon Avenue, direct vehicular access from curb cuts on Mount Vernon Avenue is strongly discouraged. Vehicular access should be provided via existing alleys or newly created new streets or alleys in order to access off-street parking and to provide service access for trash removal and loading/unloading operations;

(E) Provide visual and physical connections to Four Mile Run Park from Arlandria.

4-1403 *Permitted uses.* In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

(A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:

(1) Retail establishment;

(2) Personal service establishment, except banks, pawnshops, check cashing, payday loan and title loan businesses;

(3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:

(a) The business facade shall be no wider than 30 feet along the street;

(b) No more than two such uses or entrances shall adjoin each other.

(4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;

(5) Day care center;

(6) Private school, commercial, with a maximum of 20 students on the premises at any one time.

(B) Permitted uses above the ground floor:

(1) Uses listed under section 4-1403;

(2) Dwelling unit;

(3) Office;

(4) Church;

(5) 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;

(A.1) Restaurant;

(B) Outdoor garden center;

(C) Outdoor food and crafts market;

(D) Reserved;

(E) Massage establishment;

(F) Valet parking;

(G) Outdoor dining;

(H) Live theater.

4-1404 *Special uses.* The following uses may be allowed with a special use permit:

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1;

(B) Banks, business and professional offices, medical laboratories/offices and laundromats on the ground floor, other than pursuant section 4-1403(A);

(C) Convenience store;

(D) Reserved;

(E) Reserved;

(F) Fraternal or private club;

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

(H) Reserved;

(I) Nursing or convalescent home or hospice;

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

(K) Private school, academic, with more than 20 students on the premises at one time;

(L) Public building;

(M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1;

(N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.

4-1405 *Prohibited uses.* Any use which is not a permitted, special, or allowable use pursuant to this section 4-1400 is prohibited.

4-1406 *Certain structures and uses inconsistent with these provisions.* In order to support and promote an urban, pedestrian-oriented retail environment, the following existing inconsistent commercial uses are hereby deemed to be noncomplying uses subject to the provisions of Section 12-302 of the zoning ordinance:

(A) Automobile service station;

(B) Check cashing uses;

(C) Drive through facility;

(D) Laundry, dry cleaning operation; except drop-off

(E) Light automobile repair;

(F) Motor vehicle parking or storage; except public parking facilities and private parking accessory, and clearly incidental to, a principal use;

(G) Pawnshops;

(H) Wholesale business;

(I) Title loan business.

4-1407 *Parking.* The parking requirements of article XIII of the zoning ordinance and with an administrative permit granted by the director of planning and zoning, the following provisions shall apply as to off-street parking:

(A) In order to maintain the existing supply of private off-street parking spaces, these spaces shall be retained and may be shared until such time as centralized parking facilities are constructed. Such shared arrangements shall be reviewed and approved by the director of planning and zoning;

(B) Reserved;

(C) When there is a change in use to a use which has the same or lesser parking requirement than the previous use, no additional parking shall be required. When there is a change in use which has a greater parking requirement than the previous use and is

located within 500 feet of a public parking lot or facility and when the development proposal complies with the design and retail guidelines, no additional off-street parking is required subject to review and approval by the director of planning and zoning;

(D) The on-site parking requirement for newly constructed buildings or additions to existing buildings of up to 5,000 square feet shall be 40 percent of the requirement in article VIII, provided the subject property is located within 500 feet walking distance of a public parking facility;

(E) Newly constructed buildings, except for buildings to be occupied by live theater, with greater than 5,000 square feet or more than 500 feet from a public parking facility shall provide the off-street parking required by article VIII of the zoning ordinance;

(F) Newly constructed residential apartment units shall comply with off-street parking required by article VIII of the zoning ordinance for multifamily buildings.

4-1408 *Bulk regulations.* The following bulk regulations shall apply:

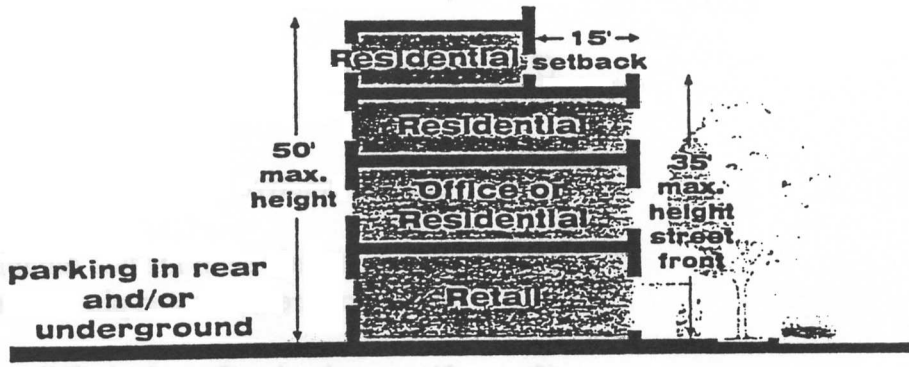
(A) *Build-to line.*

(1) *Build-to line.* Each building shall meet a build-to line of 10 feet as measured from the front property line. In cases of exceptional design, desired restaurant use with outdoor seating or other public benefit where it is desirable to have an increased setback, the build-to line may be increased to a maximum of 20 feet as measured from the front property line, subject to the review and approval of the director of planning and zoning. Except as specifically approved by the director of planning and zoning to accommodate a desired urban form or where there is no other means of access to the rear of the site, the facade of buildings shall be constructed along the full length of the property facing the street. This requirement may be modified where the lot has frontage on more than one street.

(B) *FAR.* The maximum permitted floor area ratio is 0.5. For a mixed use project that includes ground floor retail uses, the maximum floor area ratio is 1.5 with a special use permit.

(C) *Height.* The maximum permitted building height along the street is 35 feet, except that the maximum permitted building height may be increased to an amount not to exceed 50 feet with

a building step back of 15 feet from the facade of the building, and where it is found to be compatible with surrounding development. The minimum building height shall be 25 feet.



Building Height

4-1409 *Public art.* Public art is strongly encouraged in NR zone in order to create a sense of place for the community and to enhance the gateways into the neighborhood and the city. Public art provides many benefits, creates connections between the community and the built environment, and a sense of orientation and animation within the district. Public art may include sculpture, murals, fountains, and other similar features. For the purposes of this section, a mural shall not be considered a sign so long as it does not include advertisement for any business, organization or product.

(A) In order to provide a more meaningful experience and greater interpretation of the art, consideration should be given to relating public art features with each other to the extent possible;

(B) Public art located on public property shall be reviewed by the city commission for the arts and approved by the city council.

4-1410 *Signs.* Storefront signs should contribute to the overall look and theme of the neighborhood and be compatible with the architecture style and details of the building. Signs should be attractive, uncluttered, and not overpowering to the building facade.

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

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

principles identified in the currently adopted Mount Vernon Avenue Design Guidelines as determined by the director of planning and zoning:

(1) Simple, readable signs that incorporate the name "Arlandria," or its Spanish equivalent, and theme of "family" are strongly encouraged. Signs consisting of individual letters mounted to the building facade are encouraged;

(2) Signs should be centered on the building facade, or over the entrance door to the business;

(3) Unique, creative signs are strongly encouraged;

(4) Sign materials shall include durable wood, painted plastics, metals, or pre-fabricated pin mounted letters;

(5) Signs projecting from the building wall at a 90 degree angle are encouraged to identify a business to pedestrians on the sidewalk, or to those traveling parallel to the storefront;

(6) Internally lit plastic box signs or flashing signs are prohibited;

(7) Where a building includes multiple commercial units, the sign for each unit should be of uniform character and location;

(8) Awnings are strongly encouraged and should be designed to coordinate with the design of the building and any other awnings along the same block face. Any sign located on an awning shall be fixed flat to the surface, and shall be non-illuminated.

(B) In order to retain the existing noncomplying roof signs that provide uniqueness and a sense of history in Arlandria, the following provision applies as specified:

(1) Roof-mounted signs, existing as of January 1, 2003, shall be permitted to remain; however, no enlargement or relocation of those signs shall be permitted. Routine maintenance of the signs and structural repairs as necessary to maintain the integrity of the signs shall be permitted. Limited alteration to allow a name change for the business shall be permitted so long as the new lettering is the same type style, size, scale and theme as the existing lettering. No alteration of the structure is permitted.

(C) Notwithstanding the provisions of section 9-104(F) of the zoning ordinance, vertical banners may be installed on the light poles located in the public right-of-way as a coordinated banner

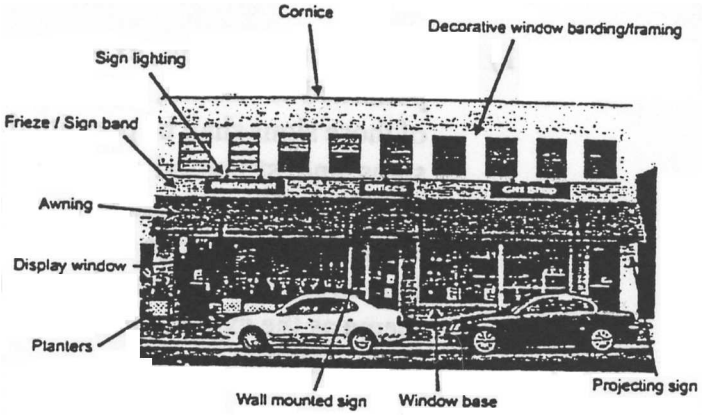
program subject to review and approval by the director of planning and zoning. Banners shall be coordinated to promote a unified identity for Arlandria, an upcoming event or season, but shall not identify or promote individual businesses or products. Such banners shall be securely affixed at the top and bottom so as to preclude any fluttering or rotation by the movement of the atmosphere;

(D) Umbrellas displayed in conjunction with outdoor dining areas must be free of any advertising or wording;

(E) Free standing signs are hereby prohibited; however, one ground mounted, monument style center identification sign may be permitted on sites developed with shopping centers that have more than 20,000 square feet of lot area. The total area of shopping center identification signs shall not exceed 50 square feet with a maximum height of 8 feet. The center identification sign shall display only the name and address of the center. No other ground-mounted signs shall be permitted.

4-1411 *Building and retail guidelines.* The following guidelines shall apply to any redevelopment or new development requiring a special use permit or administrative permit pursuant to section 4-1404 or 4-1407.

On any project requiring an administrative permit pursuant to section 4-1404 or 4-1407 conformance may be required to those guidelines listed herein that would be applicable based on the scope of the work or construction to be undertaken as part of the administrative permit.



Building Facades

(A) *Building facades.* New and remodeled facades should conform to the general historical Art Deco architectural style of the historic buildings in Arlandria. Decorative elements such as cornices

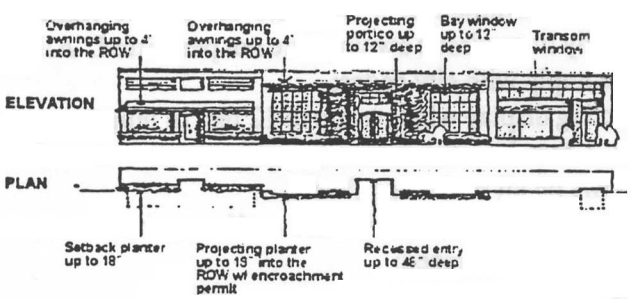
and belt courses should be used to give scale and interest to the facades, to help define the building elements (base, middle, and top), and to create three dimensional richness to the facades.

(1) *Facade rhythms.* The building facades should incorporate multiple rhythms or cadences (rather than a single repetitive rhythm) that is reflective of the pattern found in the historic and traditional buildings of the area. This is accomplished with a rich variety of surface treatments such as architectural features, large window and door frames, projecting bay window displays, canopies above the door, awnings, etc.;

Individual storefront facades should be narrow and change often to add a richness to the sidewalk, street, and neighborhood. The preferred width of the storefront is approximately 20-25 feet, and should have a maximum width of 50 feet;

(2) *Corner treatment.* In cases where buildings are on a corner special treatment is encouraged for the buildings at these locations. This includes such things as rounded or cut corners, articulated corner entrances, accented display windows, special corner roof features, etc.;

(3) 'T' intersection treatment. In cases where buildings terminate the view down a street at a 'T' intersection, special treatment is encouraged including what is mentioned above, plus special facade treatments that line up with the street view it is terminating. These would include special accented architectural features, distinctive facade fenestration, accented roof profile, special building materials, etc.



Storefront Design

(B) *Storefront design.* The storefront should work with the architecture of the overall building facade, should clearly and simply present the name of the business and the type of services and products offered. It should give customers easy visibility into the store.

The storefront design should contribute to a distinctive pedestrian and customer experience, and uniquely enhance the overall business district's identity and beauty.

Storefront design should include as many of the following items as possible:

- Primary pedestrian entrances should be located directly fronting the sidewalk; entrances should be recessed up to 48 inches deep from the facade;
- Detailed window frames with decorative moldings are encouraged;
- A window base or bulkhead below storefront windows should be not less than 18 inches high, and not taller than 30 inches;
- A pattern of transom windows, horizontal elements and mullions provides a unique rhythm of glass and trim elements in the storefront;
- 65—75 percent of the ground floor facade should be windows with clear glass;
- Porticos around the entry door may project up to 12 inches into the public right-of-way;
- Marquee structures or canopies may project from the building at entries (maximum ten feet in length, minimum height eight feet above the sidewalk and maximum projection of four feet into the public right-of-way). These shall comply with city codes and be reviewed on an individual basis as to design compatibility;
- Awnings may overhang the sidewalks (awnings shall be below 14 feet in height, not less than eight feet above the sidewalk and project a maximum of four feet into the public right-of-way). Internally lit or plastic awnings are not permitted. All awnings shall comply with city codes;
- Projecting display windows up to 12 feet in length may project up to 2 feet into the sidewalk, and are encouraged to have windows on all projecting faces;
- Creative display of merchandise and/or services in storefront windows is encouraged;
- Blank walls longer than six feet are prohibited;
- Solid roll-down or sliding security grates are prohibited.

(C) *Lighting.* Lighting dramatically enhances the appeal of storefronts at night, and makes the streets feel safe. Creative lighting should illuminate signs, window displays, and architectural details of the building while adding to the overall image of the street. The following guidelines apply:

- Lighting should be carefully coordinated with nearby street lighting and other storefronts, and should not be too bright or glaring;
- Light sources should be carefully concealed and blend in with the architecture. Sconces, downlights or other exterior mounted light fixtures should be used selectively to light signs and/or architectural features;
- Lighting shall be provided along commercial store fronts from sundown until 11:00 p.m. on week days, and until midnight on weekends;
- Neon banding is strongly discouraged;
- All lighting must conform to city codes and regulations.

(D) *Greenery.* Plants, flowers, planters, urns, and hanging baskets should be used to enhance and humanize the storefront and sidewalk in front of the stores. All greenery installations should conform to the currently adopted Mount Vernon Avenue Design Guidelines, the Landscape Guidelines, and the City Code.

4-1412 Streetscape requirements.

(A) All redevelopment and infill proposals should comply with the urban design standards set forth in the currently adopted Mount Vernon Avenue Design Guidelines and the long-term vision for the Arlandria Neighborhood as adopted as part of the master plan.

4-1413 Use limitations.

(A) All operations, except those administrative uses enumerated in sections 14-1103(B), (C) and (G) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

(D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.

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

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

(Ord. No. 4310, § 5, 6-14-03; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 3, 6-22-10; Ord. No. 4712, § 2, 3-12-11; Ord. No. 4910, § 1, 11-15-14; Ord. No. 4948, § 2, 5-15-15; Ord. No. 5029, § 1, 6-18-16; Ord. No. 5035, § 1, 6-28-16)

ARTICLE V. MIXED USE ZONES

Sec. 5-100 CRMU-L/Commercial residential mixed use (low).
Sec. 5-200 CRMU-M/Commercial residential mixed use (medium).
Sec. 5-300 CRMU-H/Commercial residential mixed use (high).
Sec. 5-400 CRMU-X/Commercial residential mixed use (Old Town North) zone.
Sec. 5-500 W-1/Waterfront mixed use zone.
Sec. 5-600 CDD/Coordinated development district.

Sec. 5-100 CRMU-L/Commercial residential mixed use (low).

5-101 *Purpose.* The intent of the CRMU-L zone is to establish a zoning classification which permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures; to encourage the conservation of land resources, the minimization of automobile travel and the location of employment and retail centers in proximity to housing; and to promote the development of mixed use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location warrant.

5-102 *Permitted uses.* The following uses are permitted in the CRMU-L zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Business and professional office;

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

(C.2) Day care center;

(C.3) Health and athletic club located within a shopping center, hotel or office complex;

(D) Medical laboratory;

(E) Medical office;

(E.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(F) Personal service establishment;

(F.1) Private school, commercial;

(F.2) Public school;

(G) Radio or television broadcasting office and studio;

(G.1) Restaurant located within a shopping center or hotel;

(H) Retail shopping establishment, up to 20,000 gross square feet;

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

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

5-102.1 *Administrative special uses.* The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Health and athletic club;

(A.1) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Valet parking.

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;

(B) Apartment hotel;

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

(C) Bus shelter on private property;

(D) Congregate housing facility;

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

(F) Reserved;

(G) Drive through facility;

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

(I) Home for the elderly;

(J) Hotel;

(K) Motor vehicle parking or storage for more than 20 vehicles;

(K.1) Outdoor food and crafts market, other than pursuant to section 5-102.1;

(K.2) Outdoor garden center, other than pursuant to section 5-102.1;

(L) Nursing or convalescent home or hospice;

(M) Private school, academic, with more than 20 students on the premises at one time;

(N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;

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

(P) Social service use.

5-104 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 5-100 is prohibited.

5-105 *Floor area ratio.* The permitted floor area ratio of a development in the CRMU-L zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

(1) Commercial: .75, or

(2) Residential: 1.0.

(B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0.

(C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and a special use permit is approved, the maximum permitted floor area ratio may be increased to an amount not to exceed 1.5.

5-106 *Height.* The maximum permitted height of buildings is that height indicated in the applicable small area plan.

5-107 *Open space requirements.* Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by

council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

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 enterprises;

(2) Health and athletic club;

(3) Restaurant.

(B) Hotel and nursing or convalescent home or hospice uses shall be considered commercial.

(C) Commercial use shall include all floor space which is not residential.

5-109 *Special use permit considerations.* In addition to the above regulations and the procedures and criteria for special use permits generally, city council shall consider the following in determining whether to approve a special use permit for mixed use development:

(A) The number, viability and compatibility of the individual uses proposed and their physical and functional integration.

(B) The ability of the design to promote the integration of uses within the project and to promote compatibility of the project with the neighborhood.

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

(D) The distribution of floor area ratio over the site so that the mass and scale of buildings do not overwhelm and are compatible with neighboring areas.

(E) The mixed use character of the proposed development such that the project's dominant character is not commercial.

5-110 *Use limitations.*

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

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

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

5-111 *Additional regulations for single-, two-family and townhouse dwellings.*

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-112 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

(Ord. No. 3612, §§ 1, 2, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 4, 6-22-10; Ord. No. 4843, § 2, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 5-200 CRMU-M/Commercial residential mixed use (medium).

5-201 *Purpose.* The intent of the CRMU-M zone is to establish a zoning classification which permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures; to encourage a diversification of uses in unified projects located in proximity to metro stations in order to encourage the conservation of land resources, minimization of automobile travel, and the location of employment and retail centers in proximity to housing; and to promote the development of mixed use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location of the development warrant.

5-202 *Permitted uses.* The following uses are permitted in the CRMU-M zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Business and professional office;

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

(C.2) Day care center;

(C.3) Health and athletic club located within a shopping center, hotel or office complex;

(D) Medical laboratory;

(E) Medical office;

(E.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(F) Personal service establishment;

(F.1) Private school, commercial;

(F.2) Public school;

(G) Radio or television broadcasting office and studio;

(G.1) Restaurant located within a shopping center or hotel;

(H) Retail shopping establishment, up to 20,000 gross square feet;

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

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

5-202.1 *Administrative special uses.* The following uses may be allowed in the CRMU-M zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Health and athletic club;

(A.1) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Valet parking.

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;

(B) Apartment hotel;

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

(C) Bus shelter on private property;

(D) Congregate housing facility;

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

(F) Reserved;

(G) Drive through facility;

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

(I) Home for the elderly;

(J) Hotel;

(K) Motor vehicle parking or storage for more than 20 vehicles;

(L) Nursing or convalescent home or hospice;

(L.1) Outdoor food and crafts market, other than pursuant to section 5-202.1;

(L.2) Outdoor garden center, other than pursuant to section 5-202.1;

(M) Private school, academic, with more than 20 students on the premises at one time;

(N) Restaurant, other than pursuant to section 5-202(G.1) or 5-202.1(A.1);

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

(P) Social service use.

5-204 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 5-200 is prohibited.

5-205 *Floor area ratio.* The permitted floor area ratio of a development in the CRMU-M zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

(1) Commercial: .75 FAR, or

(2) Residential: 1.0 FAR.

In the case of either (1) or (2), an additional .25 of retail use is permitted.

(B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.

(C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

5-206 *Height.* The maximum permitted height of buildings is that height indicated in the applicable small area plan.

5-207 *Open space requirements.* Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by

council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

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 enterprises;

(2) Health and athletic club;

(3) Restaurant.

(B) Hotel and nursing or convalescent home or hospice uses shall be considered commercial.

(C) Commercial use shall include all floor space which is not residential.

5-209 *Special use permit considerations.* In addition to the above regulations and the procedures and criteria for special use permits generally, city council shall consider the following in determining whether to approve a special use permit for mixed use development:

(A) The number, viability and compatibility of the individual uses proposed and their physical and functional integration.

(B) The ability of the design to promote the integration of uses within the project and to promote compatibility of the project with the neighborhood.

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

(D) The distribution of floor area ratio over the site so that the mass and scale of buildings do not overwhelm and are compatible with neighboring areas.

(E) The mixed use character of the proposed development such that the project's dominant character is not commercial.

5-210 *Use limitations.*

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

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

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

5-211 *Additional regulations for single-family, two-family and townhouse dwellings.*

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, two-family and townhouse dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-212 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.

(Ord. No. 3612, §§ 1, 2, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2,

6-24-97; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 4, 6-22-10; Ord. No. 4843, § 2, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 5-300 CRMU-H/Commercial residential mixed use (high).

5-301 *Purpose.* The intent of the CRMU-H zone is to establish a zoning classification which permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures; to encourage a diversification of uses in unified projects located in proximity to metro stations in order to encourage the conservation of land resources, minimization of automobile travel, and the location of employment and retail centers in proximity to housing; and to promote the development of mixed use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location of the development warrant.

5-302 *Permitted uses.* The following uses are permitted in the CRMU-H zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Business and professional office;

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

(C.2) Day care center;

(C.3) Health and athletic club located within a shopping center, hotel or office complex;

(D) Medical laboratory;

(E) Medical office;

(E.1) Motor vehicle parking or storage for 20 vehicles or fewer;

(F) Personal service establishment;

(F.1) Private school, commercial;

(F.2) Public school;

(G) Radio or television broadcasting office and studio;

(G.1) Restaurant located within a shopping center or hotel;

(H) Retail shopping establishment, up to 20,000 gross square feet;

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

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

5-302.1 *Administrative special uses.* The following uses may be allowed in the CRMU-H zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Health and athletic club;

(A.1) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Valet parking.

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;

(B) Apartment hotel;

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

(C) Bus shelter on private property;

(D) Congregate housing facility;

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

(F) Reserved;

(G) Drive through facility;

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

(I) Home for the elderly;

(I.1) Homeless shelter;

(J) Hotel;

(K) Motor vehicle parking or storage for more than 20 vehicles;

(L) Nursing or convalescent home or hospice;

(L.1) Outdoor food and crafts market, other than pursuant to section 5-302.1;

(L.2) Outdoor garden center, other than pursuant to section 5-302.1;

(M) Private school, academic, with more than 20 students on the premises at one time;

(N) Restaurant, other than pursuant to section 5-302(G.1) or 5-302.1(A.1);

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

(P) Social service use.

5-304 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 5-300 is prohibited.

5-305 *Floor area ratio.* The permitted floor area ratio of a development in the CRMU-H zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

(1) Commercial: 1.25, or

(2) Residential: 1.25.

In the case of either (1) or (2), an additional .25 of retail use is permitted.

(B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.25 plus an additional .25 of retail use.

(C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of 1.25, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.5.

5-306 *Height.* The maximum permitted height of buildings is that height indicated in the applicable small area plan.

5-307 *Open space requirements.* Each residential development or residential portion of a mixed use development shall provide a minimum of 40 percent of land area as open and usable space; provided however that a portion of

the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable.

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 enterprises;

(2) Health and athletic club;

(3) Restaurant.

(B) Hotel, nursing or convalescent home, hospice or homeless shelter use shall be considered commercial.

(C) Commercial use shall include all floor space which is not residential.

5-309 *Special use permit considerations.* In addition to the above regulations and the procedures and criteria for any special use permit, city council shall consider the following in determining whether to approve a special use permit for mixed use development:

(A) The number, viability and compatibility of the individual uses proposed and their physical and functional integration.

(B) The ability of the design to promote the integration of uses within the project and to promote compatibility of the project with the neighborhood.

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

(D) The distribution of floor area ratio over the site so that the mass and scale of buildings do not overwhelm and are compatible with neighboring areas.

(E) The mixed use character of the proposed development such that the project's dominant character is not commercial.

5-310 Use limitations.

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

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

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

5-311 Additional regulations for single-family, two-family and townhouse dwellings.

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-312 Accessory apartments. One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for

the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, §§ 1, 2, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 3980, §§ 1, 2, 3-14-98; Ord. No. 4280, §§ 1, 4, 11-16-02; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 4, 6-22-10; Ord. No. 4843, § 2, 11-16-13; Ord. No. 5035, § 1, 6-28-16)

Sec. 5-400 CRMU-X/Commercial residential mixed use (Old Town North) zone.

5-401 *Purpose.* The intent of the CRMU-X zone is to establish a zoning classification which permits developments that include a mixture of residential, commercial, cultural, and institutional uses in a single structure or multiple but integrated and related structures; to encourage the conservation of land resources, the minimization of automobile travel and the location of employment and retail centers in proximity to housing; to promote the development of mixed use projects by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, design and location warrant; and to promote redevelopment while maintaining a substantial amount of residential uses in the Old Town North area.

5-402 *Permitted uses.* The following uses are permitted in the CRMU-X zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(A.3) Motor vehicle parking or storage for 20 vehicles or fewer;

(A.4) Day care center;

(A.5) Personal service establishment;

(A.6) Private school, commercial;

(A.7) Public school;

(A.8) Retail shipping establishment, up to 20,000 gross square feet;

(B) Utilities, subject to section 7-1200;

(C) Accessary uses, as permitted by section 7-100.

5-402.1 *Administrative special uses.* The following uses may be allowed in the CRMU-X zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Health and athletic club;

(A.1) Restaurant;

(B) Massage establishment;

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) Valet parking.

5-403 *Special uses.* The following uses may be approved, subject to the procedures and regulations for special use permits and subject to the limitations of section 5-609 below:

(A) Multifamily dwelling;

(B) Amusement enterprise;

(C) Animal care facility with no overnight accommodation;

(C.1) Apartment hotel;

(C.2) Food or beverage production exceeding 3,500 square feet, which includes a retail component;

(D) Business and professional office;

(E) Bus shelter on private property;

(F) Congregate housing facility;

(G) Convenience store;

(H) Reserved;

(I) Fraternal or private club;

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

(K) Home for the elderly;

(L) Hotel;

(M) Medical care facility;

(N) Medical laboratory;

(O) Medical office;

(O.1) Motor vehicle parking or storage for more than 20 vehicles;

(P) Nursing or convalescent home or hospice;

(P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;

(P.2) Outdoor garden center, other than pursuant to section 5-402.1;

(Q) Reserved;

(R) Reserved;

(S) Private school, academic, with more than 20 students on the premises at one time;

(T) Public building;

(U) Radio or television broadcasting office and studio;

(V) Restaurant, other than pursuant to section 5-402.1;

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

(X) Social service use.

5-404 Regulations for single-family, two-family and townhouse development.

(A) *Townhouse development.*

(1) *Lot size.* Each townhouse development shall provide a minimum land area of 1,452 square feet per dwelling unit.

(2) *Frontage.* For townhouse dwellings, the minimum lot width at the front building line and the minimum lot frontage at the front lot line shall be 18 feet for interior lots; provided however that the planning commission may approve a lot width reduction on an interior lot to a minimum of 15 feet where the commission finds the reduction necessary and appropriate and:

(a) Three or more townhouses are being developed contemporaneously; and

(b) The average lot width and lot frontage in the development is at least 18 feet.

(3) *Yards.* Each townhouse dwelling shall provide a rear yard based on a 1:2 setback ratio and a minimum of 16 feet; and side yards for interior end units based on a 1:3 setback ratio and a minimum of eight feet.

(B) *Single-family and two-family development.*

(1) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(2) *Frontage.* When measured at both the front lot line and the front building line, each single family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(3) *Yards.* Each single-family and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3 setback ratio and a minimum of eight feet.

(C) *Mixed use.* When a development includes both residential and nonresidential uses, the residential yard, lot size and frontage regulations shall apply to the residential component of the development.

5-405 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 5-600 is prohibited.

5-406 *Floor area ratio.* The permitted floor area ratio of a development in the CRMU-X zone depends on whether a townhouse development, an all residential development or a mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use/townhouses.* If no special use permit is sought, only townhouses at a maximum floor area ratio of 1.5 are permitted.

(B) *Mixed use, residential or commercial/SUP.* If a special use permit is approved, the floor area ratio may be increased to an amount not to exceed 2.5 and the following uses may be developed:

(1) All residential;

(2) Mixed use, provided that 41.8 percent of the floor area must be devoted to residential use unless (a) the CRMU-X site is within a retail focus area as provided in section 6-503, in which case the required residential floor area may be reduced to 33.33 percent, with 8.5 percent required for ground floor retail space; or (b) the residential component is devoted exclusively to townhouses and such townhouses and the parking therefor occupies one-third of the entire development site, in which case the required residential floor area may be reduced to 20 percent, or

(3) All commercial, provided: (a) that the retail focus area requirements of section 6-503 shall apply to the entire project area regardless of whether or not the entire project

area is designated as a retail focus area in the Old Town North Small Area Plan Chapter of the 1992 Master Plan of the City of Alexandria; (b) the required retail square footage for the project calculated pursuant to section 6-503(A) shall be increased by an amount equal to 50 percent of the required retail square footage; and (c) the project incorporates along all major street frontages either (i) adequate retail space; (ii) adequate open and usable public space; (iii) substantial plantings; or (iv) appropriate architectural treatments to create a sense of vitality, activity and security attractive to pedestrians and enforcing the pedestrian oriented streetscape, as determined by city council.

(C) *Calculation of floor area ratio and uses.* For the purpose of calculating the mix of uses under this section 5-606, all uses other than townhouse and multifamily dwellings, homes for the elderly and congregate housing facilities are considered commercial.

5-407 *Height.* The maximum permitted height of buildings is that height indicated in the Old Town North Small Area Plan.

5-408 *Open space requirements.* The multifamily residential portion of each development shall provide a minimum of 25 percent of land area as open and usable space; provided however that a portion of the space which would otherwise be required as green area may be met by comparable amenities and/or facilities provided in lieu thereof if such amenities or facilities meet or exceed the beneficial purposes which such green areas would accomplish. A determination by the director or by council in the case of a special use permit shall be made in each case as to whether the open space provided, in addition to meeting the technical definition of open space, is functional and usable or includes comparable amenities.

5-409 *Special use permit considerations.* In addition to the above regulations and the procedures and criteria for special use permits generally, council shall consider the following in determining whether to approve a special use permit for mixed use development:

(A) The number, viability and compatibility of the individual uses proposed and their physical and functional integration.

(B) The ability of the design to promote the integration of uses within the project and to promote compatibility of the project with the neighborhood.

(C) The inclusion of site amenities, open space and features, supporting uses in a manner which encourages pedestrian use and promotes internal compatibility of uses.

(D) The distribution of floor area ratio over the site so that the mass and scale of buildings do not overwhelm and are compatible with neighboring areas.

(E) Compliance of the proposed development with the master plan.

5-410 *Use limitations.* [Reserved.]

5-411 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3612, § 1, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 3912, §§ 3, 4, 1-25-97; Ord. No. 3946, § 2, 6-24-97; Ord. No. 3968, § 1, 12-13-97; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 4, 6-22-10; Ord. No. 4843, § 2, 11-16-13; Ord. No. 4910, § 2, 11-15-14; Ord. No. 5035, § 1, 6-28-16)

Sec. 5-500 W-1/Waterfront mixed use zone.

5-501 *Purpose.* The W-1 zone is intended to promote mixed use development with suitable public amenities along appropriate portions of the city's waterfront by permitting a mixture of residential, commercial, cultural and institutional uses and by allowing greater densities than would otherwise be permitted to the extent the proposed mix of uses, the design and the location warrant.

5-502 *Permitted uses.* The following uses are permitted in the W-1 zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Business and professional office;

(C.1) Personal service establishment, pursuant to section 5-509;

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

(D) Public building;

(E) Public park, athletic field or other outdoor recreation facility;

(F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;

(F.1) Retail shopping establishment, 10,000 square feet or less in size;

(G) Accessory uses, as permitted by section 7-100;

(H) Uses smaller than 5,000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

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.

5-503 *Special uses.* The following uses may be allowed in the W-1 zone pursuant to a special use permit:

(A) Commercial outdoor recreation facility;

(B) Commercial shipping and freight terminal;

(C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;

(D) Health and athletic club;

(E) Home for the elderly;

(F) Nursery school;

(G) Outdoor food and crafts market;

(H) Reserved;

(I) Privately owned public use building such as civic auditorium or performing arts center;

(J) Restaurant;

(K) Retail shopping establishment, other than pursuant to section 5-502(F.1);

(L) Reserved;

(M) Reserved;

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

(O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan;

(P) Uses 5,000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

5-503.1 *Prohibited uses.* Any use which is not a permitted, special or accessory use pursuant to this section 5-500 is prohibited.

5-504 *Floor area ratio.* The permitted floor area ratio of a development in the W-1 zone depends on whether a single use or mixture of uses is proposed and whether a special use permit is sought.

(A) *Single use.* If a parcel is developed for only commercial use or for only residential use, the maximum permitted floor area ratio is:

(1) Commercial: .75, or

(2) Residential: 1.0

In the case of either (1) or (2), an additional .25 of retail use is permitted.

(B) *Mixed use.* If a parcel is developed for both commercial and residential use, and the residential use constitutes at least 25 percent of the floor space of the development, the maximum permitted floor area ratio is 1.0 plus an additional .25 of retail use.

(C) *Mixed use or residential/SUP.* If at least 50 percent of the floor space of the proposed development is for residential use and if the commercial use within such a development does not exceed a floor area ratio of .75, then, with a special use permit, the maximum permitted floor area ratio may be increased to an amount not to exceed 2.0.

(D) *Development sites in waterfront plan/SUP.* For property that is part of a development site identified in the waterfront small area plan, with a special use permit, the maximum floor area ratio may be increased provided the development meets and is consistent with the Development Goals and Guidelines listed in the Waterfront plan for the property.

5-505 Density and lot requirements.

(A) *Density.* Gross density shall not exceed 30 dwelling units per acre.

(B) *Lot size.*

(1) Each structure containing multifamily dwellings shall be located on a lot with a minimum of 1,452 square feet of land area for each dwelling unit.

(2) Each townhouse dwelling shall be located on a lot with a minimum of 1452 square feet of land area.

(3) Each other principal use shall be located on a lot with no minimum land area requirement except that which occurs as a result of other applicable regulations, such as yards, floor area ratio and parking.

(C) *Lot width and frontage.*

(1) For multifamily dwellings, the minimum lot width at the front lot and building line shall be 50 feet.

(2) For townhouses, the minimum lot width at the front lot and building line shall be 18 feet for all lots except end lots for which the minimum lot width at the front lot and building line shall be 26 feet.

(3) For all other principal uses, there shall be no minimum lot and building line requirements except those which occur as a result of other applicable regulations.

5-506 Yard requirements.

(A) *Front yard.* No front yard is required except as may be applicable pursuant to the supplemental yard and setback regulations of section 7-1000 and the zone transition requirements of section 7-900.

(B) *Side yards.* No side yards are required except in the following cases:

(1) Each interior end unit in a group of townhouses shall provide a side yard of at least 8 feet.

(2) Multifamily residential buildings shall provide two side yards based on a setback ratio of 1:2 and a minimum of 16 feet.

(C) *Rear yard.* Each lot shall provide a rear yard of at least 8 feet, except that each multifamily residential building shall provide a rear yard based on a setback ratio of 1:2 and a minimum distance of 16 feet.

5-507 *Height.* The maximum permitted height of buildings is the height shown in the applicable height district map.

5-508 *Open and usable space.* Residential uses shall provide a minimum of 300 square feet of open and usable space per dwelling unit, exclusive of any area required for off-street parking. The location and shape of such space shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level and which are accessible to all residents of the development if the director determines that such space functions as open space for residents to the same extent that ground level open space would. In addition, each use, development or project adjacent to the Potomac River shall provide an open space walkway and bike way adjacent to the high watermark of the Potomac River.

5-509 *Ground floor occupancy regulations.*

(A) No room or space used for residential purposes or commercial purposes, other than restaurant or retail room or space, shall be permitted on the ground floor of any building.

(B) The provisions of section 5-509(A) shall not apply if publicly accessible waterfront or waterfront-related amenities are provided in conjunction with a proposed building, subject to approval of a site plan for such amenities and building pursuant to section 11-400.

(C) Publicly accessible waterfront or waterfront-related amenities may include, but are not limited to, pedestrians walkways and landscaped open space areas connected to the walkway/bikeway required along the waterfront by section 5-508, boat docking facilities, or similar improvements that enhance pedestrian access to and enjoyment of the waterfront area. The planning commission, or city council on appeal, shall approve the site plan submitted pursuant to section 5-509(B) if the commission or council in its reasonable discretion determines that the amenities to be provided enhance the publicly oriented vitality of the waterfront area.

(D) As used in this section 5-509, "ground floor" means that floor of a building which is approximately or most nearly level with the ground surface in the general vicinity of the building and includes the headroom above such floor.

(E) The residential building exclusions of section 11-404(A) shall not apply to any site plan submitted under the provisions of this section 5-500. Nothing in this section 5-509 shall excuse compliance with the use regulations of this section 5-500, including any requirement for a special use permit of section 5-503, or with the floodplain regulations of section 6-300.

(F) Any ground floor room or space used for residential purposes or commercial purposes other than restaurant or retail room or space, in a building for which a preliminary site plan was approved on or before June 28, 1988, shall be deemed to meet the requirements of this section 5-509.

5-510 *Underground utilities.* All developments containing new or replacement utility facilities within the development shall provide for underground installation of said facilities.

5-511 *Use limitations.* Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.

5-512 *Additional regulations for single-family, two-family and townhouse dwellings.*

(A) *Lot size.* Each single-family dwelling shall be located on a lot with a minimum land area of 5,000 square feet. In the case of a two-family dwelling, the lot shall contain 2,500 square feet of land area for each dwelling unit.

(B) *Frontage.* When measured at both the front lot line and the front building line, each single-family dwelling and two-family duplex dwelling requires a minimum of 50 feet of frontage, and a semi-detached dwelling requires a minimum frontage of 37.5 feet for each dwelling unit.

(C) *Yards.* For residential uses the following yard requirements apply: Each single-family, and two-family dwelling shall provide a front yard of 20 feet; a rear yard based on a 1:1 setback ratio and a minimum of eight feet; and side yards based on a 1:3

setback ratio and a minimum of eight feet. Each interior end unit townhouse shall provide a side yard based on a 1:3 setback ratio and a minimum of eight feet.

(D) *Mixed use.* When a development includes both residential and nonresidential uses, the residential lot size, frontage and yard regulations shall be applicable to the residential component of the development.

5-513 *Accessory apartments.* One or two apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each such apartment shall provide the parking required for a multifamily dwelling unit of equivalent size.
(Ord. No. 3606, §§ 6—9, 12-12-92; Ord. No. 3612, §§ 1, 3, 1-23-93; Ord. No. 3629, §§ 1—4, 5-15-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 4797, § 1, 4-13-13; Ord. No. 4910, § 2, 11-15-14; Ord. No. 4925, § 1, 2-21-15; Ord. No. 5035, § 1, 6-28-16)

Sec. 5-600 CDD/Coordinated development district.

5-601 *Purpose.* The CDD is established for those areas which are of such size or are so situated as to have significant development related impacts on the city as a whole or a major portion thereof and in order to promote development consistent with the master plan. A site zoned CDD is intended for a mixture of uses to include office, residential, retail, hotel and other uses with appropriate open space and recreational amenities to serve the project users and residents of the city. A CDD zone is intended to encourage land assemblage and/or cooperation and joint planning where there are multiple owners in the CDD zoned area. A review process is established to ensure that such developments exhibit a proper integration of uses, the highest quality of urban and architectural design and harmony with the surrounding areas of the city.

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*
1	Duke Street	OC Zone Regulations apply except that: - maximum F.A.R. is 1.25 within 1,000 linear feet of the King Street Metro Station kiosk and 1.0 elsewhere - maximum heights shall be 77 feet	2.62	200 feet, with an average height of 150 feet, except that: - heights on Duke Street limited to 77 feet or 82 feet with ground floor commercial - height up to 217 feet permitted for one building for the U.S. PTO - Federal Courthouse limited to 250 feet	Mix of uses, including office, retail, residential, hotel, active and passive recreation, daycare and other support facilities
2	Eisenhower Avenue Metro	OC zoning regulations apply except that: - maximum F.A.R. is 1.25, except 2.0 with an architectural design SUP as specified in the master plan - maximum heights shall be 100 feet, except on property known as the Hoffman Tract, where the maximum height shall not exceed 150 feet. Any project proposed for development under the OC Office Commercial zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan. Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel.	The development controls for each development block including allowable gross floor area (AGFA), maximum building height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-9 of the Eisenhower East Small Area Plan. In addition, development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan. All proposed development shall be reviewed for compliance with the design guidelines by the Eisenhower East Design Review Board.	The development controls for each development block including maximum building height, are delineated in Figure 4-9 of the Eisenhower East Small Area Plan.	Mix of uses including office, residential and retail along with active and passive recreation opportunities.
3	Cameron Center	OC zoning regulations apply except that: - maximum of 1.5 F.A.R. allowed - maximum heights shall be 77 feet	2.5	200 feet with a variety of building heights, or, if the use is predominately residential, 225 feet with a variety of building heights	Mix of uses including office, retail and either residential or hotel

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
4	Winkler Tract	OC Zone regulations apply for the existing office and vacant areas, the CG zone regulations shall apply for the shopping center area and the RA zone regulations shall apply for the existing residential areas, with the following additional provisions: - the F.A.R. of the existing development shall not increase over the existing F.A.R. - the F.A.R. does not exceed 1.0 on the vacant portion of the site - at least 43 acres shall be maintained in or adjacent to Botanical Preserve and not used for F.A.R. - in area bounded by Beauregard, Seminary, I-395 and Roanoke, heights may rise to 100 feet except: - no building shall be constructed within 50 feet of curb of Beauregard - building height may only exceed 50 feet by one foot for each foot set back beyond 50 feet from the curb of Beauregard, up to maximum height of 100 feet	1.0 F.A.R. except that - the existing development in the CDD should be maintained at existing densities	150 feet except that - consideration will be given to two buildings of not more than 250 feet each	Existing uses, office or mixed use including office, retail service, public schools, and residential

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
5	Stone Tract	RA zone regulations apply	1.5 F.A.R. for commercial 54.45 Dwelling Units/Acre for residential	150 feet	Residential and commercial
6	Mt. Vernon Village Center/ Birchmere	NR zone regulations shall apply except that the FAR shall not exceed 0.5 for nonresidential and 0.75 for a mixed use project including residential and ground floor retail uses	Up to 3.0 gross floor area (GFA) including above-grade parking for the total mixed use development. (See CDD guidelines for definition of GFA Development shall be consistent with the CDD guidelines and the Arlandria Neighborhood Plans, as adopted in the Potomac West Small Area Plan	Maximum permitted building height along the street is 35 feet. Building height may be increased to 50 feet with a minimum building step back of 15 feet from the front facade of the building Additional building height may be allowed as outlined in the CDD guidelines	Retail, office residential Development of uses fronting on Mt. Vernon Avenue shall consist of pedestrian-oriented uses as listed in the NR zone with office and/or residential uses above the ground floor to create an integrated mixed use development.
7	Route 1 Properties	RB zone regulations apply along Reed Avenue, the RC zone regulations apply along Commonwealth Avenue to a depth of 100 feet except as provided below and the OC zone regulations apply on the remainder of the site provided that: - heights in the area along Commonwealth Avenue shall not exceed 45 feet; - the use of automobile and trailer rental or sales be permitted with a special use permit on the portion of the site governed by the OC zone regulations and surface parking associated with the use of automobile and trailer rental or sales within 85 feet of Commonwealth Avenue and car lift parking within the remaining 15 feet be permitted with a special use permit.	For the north side of East Reed Avenue, a maximum 27 dwelling units per acre, provided that a minimum of 10 percent of the total number of units are made affordable as defined in the city affordable housing policy. Development shall comply with the CDD guidelines adopted in the Potomac West Small Area Plan.	45 feet	Mix of uses including office, retail, residential, hotel and open space. On the north side of East Reed Avenue, the preferred land use is residential townhouse uses; however, stacked townhouse uses may be permitted, provided they are arranged on the site to create variety in the streetscape, minimize the number of curb cuts along East Reed Avenue, and provide ground-level, usable open space.
8	Trade Center	CG zone regulations apply			Mix of retail and residential uses with limited office

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
9	Cameron Station	R-8 zone regulations apply	Up to 2,510 residential units may be permitted*; up to 30,000 square feet of retail space; and up to 80,000 square feet for a public school; all on 97 acres * Actual number of units to be determined as part of CDD concept plan amendments submitted in conjunction with the unapproved phases (V and VI).	45 feet along Duke Street and First Street, except two buildings up to 55 feet at the entrance to the development from the park road, to 55 feet at the center of the area, and to 77 feet along the railroad tracks, with a limited number of buildings to 120 feet along the southern portion of the site	Residential, retail, open space and public school
10	Potomac Yards/ Greens	The RB zone regulations shall apply to the area south of the Monroe Avenue Bridge and east of the Metro Tracks, the CSL zone regulations shall apply on the first 250 feet east of Rte 1, and the I zone regulations shall apply on the remainder of the site; except that the U/T regulations shall apply to an area approximately 120 feet wide located just west of the Metrorail right-of-way (area shown on the plat for Case REZ #95-0005) for the purpose of accommodating the relocated rail mainline on the yard, and except also that the area known as the "Piggyback Yard" and Slaters Lane portion of Potomac Yard (as shown on the plat for Case REZ #95-0004) may be developed pursuant to the CRMU-L zone provided that the Piggyback Yard: - shall contain no more than 275 dwelling units; - shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office;	Up to 2,072,346 [2] square feet of office space, except that office square footage may be converted to retail square footage through the special use permit process. Up to 170 hotel rooms. Up to 163,817 square feet of retail space.[2] Up to 2,137 residential units. Note 2: Office floor area may be converted to ground floor retail use through a special use permit.	Heights shall be as shown on the map entitled "Predominate Height Limits for CDD" (Map No. 24, Potomac Yard/Potomac Greens Small Area Plan Chapter of 1992 Master Plan (2008 ed.))	Pre-dominantly residential, with a mix of land uses to include office, retail and service, hotel, parks and open spaces, and community facilities.

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
		- shall be planned and developed pursuant to a special use permit; - shall have a maximum height of 50 feet; - shall generally be consistent with the goals and the guidelines of the small area plan.			

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
		- shall contain no more than 60,000 square feet of commercial space, of which no more than 30,000 square feet shall be office; - shall be planned and developed pursuant to a special use permit; - shall have a maximum height of 50 feet; and - shall generally be consistent with the goals and guidelines of the small area plan.			
11	South Carlyle	OCM(100) zoning regulations shall apply except that: - maximum FAR without an SUP shall be 1.0 - maximum height without an SUP for all property within the South Carlyle CDD shall not exceed 100 feet. Any project proposed for development under the OCM(100) Office Commercial Medium zoning shall conform to the Architectural Principles and Design Guidelines outlined in the Eisenhower East Plan. Development is prohibited on any portion of the property delineated in the Master Plan as public open space or roadways, however, this restriction is not intended to affect the amount of total development on the parcel.	The development controls for each development block including allowable gross floor area (AGFA), maximum building height, the size of public open spaces, the principal use of the property and the desired amount of ground-level retail space, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan. In addition development shall be in accordance with the guidelines in the Eisenhower East Small Area Plan. All proposed development shall be reviewed for compliance with the design guidelines by the Eisenhower East Design Review Board.	The development controls for each development block including maximum building height, are delineated in Figure 4-10 of the Eisenhower East Small Area Plan.	Mix of uses including office, residential and retail along with active and passive recreation opportunities.

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
12	Safeway-Datatel	NR zone regulations shall apply except that the FAR shall not to exceed 0.5 for nonresidential and 0.75 for a mixed use project including residential and ground floor retail uses.	Up to 3.0 gross floor area (GFA) including above-grade structured parking for the total mixed use development (see CDD guidelines for definition of GFA). Development shall be consistent with the CDD guidelines and the Arlandria Neighborhood plans, as adopted in the Potomac West Small Area Plan.	The overall height of buildings should be generally consistent with the heights depicted in the UPW Task Force Report Illustrative Plan.	A mixed use, neighborhood center that provides a retail anchor and supporting retail, office and live/work or residential uses with public and private parking. A minimum of 10 percent of the total number of residential units shall be affordable units.
13	Triangle sites	CL zone regulations shall apply, except that single, two family, and townhouse dwellings are prohibited.	1.0 FAR, except that an increase to 1.25 FAR may be allowed with the provision of affordable housing pursuant to section 7-700, except that the allowed density increase may be 25%. New development shall be in accordance with the guidelines in chapter 6 of the Mt. Vernon Avenue Business Area Plan, as adopted in the Potomac West Small Area Plan.	Building height should be limited to 2½ to 3 stories, with step downs in building mass along Commonwealth Avenue. Maximum building height is 45 feet.	A mix of uses, including some ground floor retail, with residential or office use, and a large functional open space at the corner of Mt. Vernon Avenue and Commonwealth Avenue.
14	Giant-CVS	CL zone regulations shall apply.	1.0 FAR, except that an increase to 1.25 FAR may be allowed with the provision of affordable housing pursuant to section 7-700, except that the allowed density increase may be 25%. New development shall be in accordance with the guidelines in chapter 6 of the Mt. Vernon Avenue Business Area Plan, as adopted in the Potomac West Small Area Plan.	Building height should be limited to 2½ to 3 stories, with step downs in building mass to adjoining residential uses. Maximum building height is 45 feet.	A mix of uses, including grocery store, pharmacy, and other ground floor retail uses, with residential or office use.

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
15	Braddock Gateway	CRMU-H zoning regulations apply to the one-acre portion of the site at First and Fayette Streets with a maximum floor area of 1.25 and OCM(50) zoning regulations apply to the remaining six acres of the site, with a maximum floor area of 1.5. The maximum height within the CRMU-H portion of the site shall be 77 feet and the maximum height within the OCM 50 shall be 50 feet. Buildings(s) shall comply with the Braddock Metro Neighborhood Plan Design Guidelines and other applicable requirements of the Braddock Metro Neighborhood Plan.	The development controls for each Landbay(s) and/or building(s), including floor area, building height, amount of open space, parking, principal uses, ground floor retail shall be subject to the CDD-15 Concept Plan and all CDD Concept Plan conditions, in addition to the Braddock Metro Neighborhood Plan. The actual number of units, square footage and height shall be determined as part of development special use permit for each Landbay(s) and/or building(s). Any proposed development shall conform to the Braddock Metro Neighborhood Plan Design Guidelines.		Mix of uses including residential, live-work units, office, hotel and retail along with publicly accessible open space and trails.
16	James Bland	RB/Residential Townhouse Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-16 Concept Plan, in addition to the Braddock East Master Plan provisions in the Braddock Metro Neighborhood Plan. Any proposed development shall conform to the Braddock Metro Neighborhood Plan Design Guidelines.	The maximum heights shall conform to the CDD-16 Concept Plan.	Mix of residential uses (townhouse & multifamily) & open space
17	Landmark Gateway	CG/Commercial General and I/Industrial regulations shall apply (as distinguished on the Zoning Map)	The development controls for land within this CDD shall be as shown in the approved CDD Concept Plan. In addition, any proposed development for land within this CDD shall conform to the Landmark/Van Dorn Corridor Plan.	The maximum heights shall conform to the CDD Concept Plan.	Multifamily residential and retail

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
17a	Cameron Park	CSL/Commercial Service Low Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-17a Concept Plan, in addition to the provisions in the Landmark Van Dorn Corridor Plan.	The maximum heights shall conform to the CDD-17a Concept Plan	Mix of residential (multifamily and/or townhouse), home for the elderly for 120 units and retail uses
19	North Potomac Yard	The CSL zone regulations shall apply on the first 250 feet east of Route 1, and the I zone regulations shall apply on the remainder of the site. However, in no case shall the development exceed 610,000 square feet.	Maximum development levels will be as depicted in Table 5 of the CDD conditions. Conversion of square footage between uses may be permitted through the development special use permit process. Refer to Table 3 of the CDD conditions for maximum parking ratios.	Heights shall be as shown in the North Potomac Yard Design Standards dated May 24, 2010.	Mixed-use development to include office, residential, retail and personal service, hotel, parks and open spaces and community facilities.
20	Harris Teeter of Old Town North	CD/Commercial Downtown Zone regulations shall apply	The development controls, including FAR and number of units for land within this CDD, as shown in the approved CDD-20 Concept Plan, in addition to the provisions in the Old Town North Small Area Plan. Any proposed development shall conform to the Old Town North Design Guidelines.	The maximum heights shall conform to the CDD-20 Concept Plan	Mix of residential (multifamily and/or townhouse) and retail uses.

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
21	Beauregard	The RA zone shall apply to the existing residential portion of the Garden District, Greenway and Town Center neighborhoods. The CG zone regulations shall apply to the existing shopping center in the Town Center neighborhood. In addition to the requirements herein, in the Greenway. Garden District and Town Center neighborhoods, the following shall apply: - The FAR of the existing development shall not increase over the existing FAR. - No building shall be constructed within 50 feet of curb of North Beauregard Street The OC zone regulations shall apply to the Adams Neighborhood. The R-12 zone regulations shall apply to the Upland Park Neighborhood. The RC zone regulations shall apply for the Southern Towers Neighborhood. The neighborhoods as referenced herein, shall be the boundaries depicted in the CDD Concept Plan.	Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.	Maximum heights shall be as depicted in the Beauregard Urban Design Standards and Guidelines dated March 18, 2013.	Mixed-use development to include, office, residential, retail and personal service, hotel, parks and open spaces, public buildings and community facilities.
22	Seminary Overlook	The RC regulations shall apply for the portion of the property west of the existing Kenmore Avenue as configured as of the date of City Council's initial approval of CDD #22, and the RA zone regulations shall apply for the portion of the property east of Kenmore Avenue.	Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.	Maximum heights shall be as depicted in the Beauregard Urban Design Standards and Guidelines dated March 18, 2013.	Residential, Multifamily Residential.

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
23	Goodwin House	RC/High density and apartment zone RA/Multifamily zone regulations shall apply to the Goodwin House Neighborhood.	Maximum development levels shall be as depicted in the Development Summary Table in the CDD Conditions.	The maximum heights shall conform to the CDD Concept Plan.	Senior housing, senior affordable housing, home for the elderly, nursing care facility.
24	Oakville Triangle and Route 1 Corridor	The CSL, I and R2-5 zone regulations shall apply to the properties as generally depicted within Figure 23 of the approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.	The development controls for each block including Gross Floor Area (GFA), the size of public open spaces, ground level open spaces, the land uses, and the ground floor uses shall comply with the Oakville Triangle and Route 1 Vision Plan and Urban Design Standards and Guidelines. All streets, blocks, sidewalks, building forms, building volumes, building heights, land uses, screening of parking, retail design, signage, open space and associated elements shall comply with the Oakville-Route 1 Route 1 Vision Plan and Urban Design Standards. Any variation from the standards shall require approval by the City Council as part of the DSUP or associated approval application(s).	Heights and height transitions shall be as depicted in the approved Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.	1) Mixed-use development to include hotel, office, residential, home for the elderly, nursing home, parks and open spaces as defined in the zoning ordinance. 2) Primary retail, secondary retail, and maker uses as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines. 3) Community Facilities as defined in the Oakville Triangle and Route 1 Corridor Vision Plan and Urban Design Standards and Guidelines.

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	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. 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 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. Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and setback regulations of Section 7-1000 and the zone transition requirements of Section 7- 900. Area Requirements: There are no lot area or frontage requirements. The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply. All proposed development shall conform to the Old Town North Design Guidelines as may be amended.	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; 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.

(B) Additional districts may be created from time to time, by designation in the city's master plan and approval of a rezoning application according to the provisions of sections 11-800 and 11-900.

(C) All proposed development within a CDD shall be consistent with the guidelines for the particular district expressed in the city's master plan, as the same may be amended from time to time.

(D) All proposed development within a CDD shall be subject to the procedures for review and approval set forth in this section 5-600. Except as provided in section 5-608, any proposed development within a CDD constitutes a special use for which a special use permit is required pursuant to this section 5-600 and section 11-500. In case of a conflict between the special use permit provisions of this section 5-600 and those of section 11-500, this section 5-600 shall control.

(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.

(2) Health and athletic club in an office complex.

(3) Day care center.

5-603 Approval process generally.

(A) All proposed developments shall require review and approval in the following manner.

(1) A conceptual design plan shall be submitted for the entire district. Such plan shall be considered by the planning commission and a recommendation thereon made to the city council. Approval of such plan by the city council shall authorize the submission of a preliminary development plan in substantial conformity with the approved conceptual design plan for review as specified in section 5-605(J), but shall not confer any right or entitlement to approvals thereof, to otherwise proceed with development, or to the continued application of the law existing at the time of conceptual design plan approval. The right to use and develop the property pursuant to the underlying zoning shall continue for any portion of the site which is covered by an approved conceptual design plan but for which a preliminary development plan is not yet approved, provided that any development is undertaken in a manner consistent

with the site plan requirements of section 11-400 and does not preclude development consistent with the conceptual design plan.

(2) A preliminary development plan shall be submitted for the entire district, unless permission to proceed by sections of the district is given by the city council in the conceptual design plan approval, in which case a preliminary development plan shall be submitted for one or more approved sections of the district. Such plan shall be considered by the planning commission, and a recommendation made thereon to the city council. Approval of such plan by the city council shall constitute approval of a special use permit and preliminary site plan for the development and shall confer the right and obligation to proceed with development exclusively in accord with such approval and not otherwise, subject to such limitations and exceptions as the approval may provide, subject to approval of one or more final development plans as provided below, and subject to any other permits or approvals required by law.

(3) A final development plan shall be submitted in accord with the approved preliminary development plan. Such plan shall be considered and approved by the director, subject to appeal to city council. Approval of such plan shall constitute approval of a final site plan for the development.

(B) An applicant may, if desired, submit a conceptual design plan and a preliminary development plan for simultaneous consideration and approval.

(C) No fewer than 45 days prior to submitting an application for approval of a conceptual design plan or a combined conceptual design plan and preliminary development plan, each applicant shall meet with the director and the director of transportation and environmental services and discuss such applicant's intentions with respect to a proposed development and the requirements of this section 5-600. No matters discussed at such meeting shall be binding on either the applicant or the city. The purpose of the preapplication conference is to provide staff input in the formative stages of the development project.

5-604 Conceptual design plan approval.

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

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

(B) Thirty-five copies of the application shall be submitted. All maps or plans shall be presented on sheets having a size of 24 inches by 36 inches.

(C) The application shall include the following information and materials:

(1) A vicinity map at a scale of not less than one inch equals 2,000 feet.

(2) A map or plan delineating the general topography of the district, and the general location of scenic areas or natural features, and a statement describing to what extent such areas or features will be preserved or protected, and landscape concepts.

(3) A statement describing the project in narrative form and describing the relationship of the proposed development to the master plan guidelines for the district.

(4) A general description of how adjacent and neighboring properties will be protected from any adverse effects prompted by the proposed development.

(5) A statement setting forth the maximum height of buildings to be constructed.

(6) A statement setting forth the maximum overall gross floor area and floor area ratio proposed, and the maximum gross floor area and floor area ratio proposed for each use in the proposed development.

(7) A statement setting forth the maximum number of dwelling units proposed, and an approximate breakdown of units by type and size.

(8) A statement setting forth the maximum number of parking spaces, and the general location and character, whether surface or structured, thereof.

(9) A statement identifying those special amenities proposed for the development.

(10) A statement setting forth any proposed interim uses of the site or portion thereof, the proposed development schedule and phases for development, and, if applicable, requesting the division of the district into sections for the purpose of subsequent submissions under this section 5-600.

(11) A statement of the improvements, public or private, on or off site, proposed for construction or dedication, and an estimate of the timing of providing such improvements.

(12) A conceptual design plan, at a scale of not less than one inch equals 100 feet, showing the location and arrangement of all proposed uses, the proposed traffic circulation plan including points of access, parking areas, major streets and major pedestrian, bike, or other recreational paths, all proposed major open space and landscaped areas, and the approximate location of all proposed community and public facilities.

(13) Such additional information as the director may require, or the applicant may desire to submit, in order to facilitate review and consideration of the plan.

(14) A map identifying the general location of all marine clay soils.

(15) A map identifying the general location of areas with probability of contaminated soil and/or groundwater based on a Phase 1 Environmental Assessment or equivalent information.

(D) Upon determination by the director that the application is complete, the application shall be submitted for comment and review to appropriate city departments and agencies. Upon completion of such administrative review, the director shall prepare a report for the planning commission and a recommendation to approve, approve with modifications, or disapprove the application, and shall submit the application to the planning commission.

(E) The planning commission shall promptly consider the application in accordance with the provisions of this section 5-600, and shall hold a public hearing thereon.

(F) Subsequent to the public hearing, the planning commission shall forward the application to the city council, together with its recommendations thereon.

(G) The city council shall consider the application in accordance with the provisions of this section 5-600, and shall hold a public hearing thereon. The city council shall by written resolution approve, approve with modifications or disapprove the application. In approving an application, the council may establish such conditions and requirements as shall assure compliance with the provisions of this section 5-600, and of any other requirements of applicable law.

(H) No application shall be approved unless the proposed development satisfies the following standards:

(1) The proposed development shall substantially conform to the city's master plan with respect to the general type, character, intensity and location of uses, as reflected in the CDD guidelines of the applicable area plan.

(2) The proposed development shall preserve and protect to the extent possible all scenic assets and natural features of the land.

(3) The proposed development shall be designed to mitigate substantial adverse impacts to the use and value of surrounding lands.

(4) The proposed development shall be designed in accordance with public facilities, services, transportation systems and utilities which are adequate for the development proposed, and which are available, or reasonably probable of achievement, prior to use and occupancy of the development.

(5) The proposed development shall be designed to provide adequate recreational amenities and, if appropriate to the site, a comprehensive system of pedestrian, bicycle or other recreational paths which shall be carefully coordinated with the provision of open spaces, public facilities, vehicular access routes and mass transportation facilities.

(6) The proposed development shall provide a substantial amount of residential units, including an affordable housing component.

(I) Once a conceptual design plan has been approved, and there is cause for substantial amendment thereto or to any portion thereof, such amendment shall be processed as a new submission; provided, however, that the director may waive any application requirement of section 5-604(C) if such requirement is not necessary for adequate review of the proposed amendment.

(J) No preliminary development plan shall be submitted later than two years from the date of city council approval of the conceptual design plan on which the preliminary development plan is based unless, as part of the approval under this section 5-604, a different time period is specified consistent with an overall schedule and phasing for development.

5-605 Preliminary development plan approval.

(A) The application for preliminary development plan approval shall be submitted, on such forms as the director may prescribe, by the owner, developer, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation, in which case only

those persons owning an interest in excess of three percent in such corporation need be identified by name, address and extent of interest. For purposes of this section 5-605(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

(B) Thirty-five copies of the application shall be submitted. All maps, plats or plans shall be presented on sheets having a size of 24 inches by 36 inches.

(C) An application may be submitted for the entire district or for such portions as have been approved for phasing in the conceptual design plan approval.

(D) The application shall include the following information and materials:

(1) A preliminary site plan as specified in section 11-406.

(2) A statement of the architectural concepts and design guidelines of all proposed buildings, including the maximum bulk thereof, a model of the proposed development and surrounding lands, and, if available, schematic architectural sketches.

(3) A statement of the specific uses, and the floor area ratio or dwelling unit per acre density thereof, for each proposed building.

(4) Such additional materials, as the director may require, or the applicant may desire to submit, in order to facilitate review and consideration of the plan.

(E) Upon determination by the director that the application is complete, the application shall be submitted for comment and review to appropriate city departments and agencies. Upon completion of such administrative review the director shall prepare a report for the planning commission and a recommendation to approve, approve with modifications, or disapprove the application, and shall submit the application to the planning commission.

(F) The planning commission shall promptly consider the application in accordance with the provisions of this section 5-600, and shall hold a public hearing thereon.

(G) Subsequent to the public hearing, the planning commission shall forward the application to the city council, together with its recommendations thereon.

(H) The city council shall consider the application in accordance with the provisions of this section 5-600, and shall hold a public hearing thereon. The city council shall by written resolution approve,

approve with modifications or disapprove the application. In approving an application, the council may establish such conditions and requirements as shall assure compliance with the provisions of this section 5-600, and of any other requirements of applicable law.

(I) Notwithstanding any contrary provisions of section 11-400, the preliminary site plan shall be reviewed and considered, and approved, approved with modifications or disapproved as provided in this section 5-600.

(J) No application shall be approved unless the proposed development satisfies the following standards:

(1) The preliminary development plan demonstrates that the proposed development is in substantial conformity with the requirements and purpose of the approved conceptual design plan; and

(2) The preliminary development plan demonstrates that the proposed development, when constructed, will satisfy the criteria listed in section 5-604(H) for approval of a conceptual development plan, and section 11-410 for approval of a preliminary site plan.

(K) Once a preliminary development plan has been approved, and there is cause for substantial amendment thereto or to any portion thereof, such amendment shall be processed as a new submission; provided however that the director may waive any application requirement if any such requirement is not necessary for adequate review of the proposed amendment.

(L) The approval of the preliminary development plan shall be valid for the period specified for preliminary site plans by section 11-418 of this ordinance, and otherwise subject to the provisions of that section, except that the period shall run from, and any extension shall be granted by, city council action.

(M) Notwithstanding the provisions of subsection (J) of this section and of any approved conceptual design plan, the following required and permitted changes from an approved conceptual design plan shall be required or permitted, as as hereinafter expressly provided. Such required or permitted changes shall apply to the approval of a preliminary development plan or site plan subject to such conceptual design plan, which is approved on or after the effective date as prescribed below:

1. Reserved.

2. (a)(1) Within CDD No. 10 (Potomac Yard/Potomac Greens) the vehicular and pedestrian Monroe Avenue connection to Route 1—Jefferson Davis Highway shall be constructed as depicted in the Alternative Concept Plan, approved by city council in 2003, which design accommodates, should the city council and school board later determine that a need exists, sufficient land as a site for a public elementary school in general conformity with the school depicted in the Potomac Yard Site Analysis, Alexandria City Public Schools, option 1(A), prepared by Grimm and Parker, Architects, dated February 7, 2006.

(2) Notwithstanding subparagraph (a)(1), sufficient land area shall be reserved to permit the reconstruction of such connection to conform to the design as generally depicted in option 2 (two-way slip ramp), as prepared by Christopher Consultants, dated December 19, 2005; provided, however, that such reservation to permit the construction of the two-way slip ramp shall not be effective in the event that city council actually authorizes and funds the construction of a public elementary school, the site layout and design of which would conflict with or preclude such reservation of land.

(b) Should city council subsequently approve the reconstruction (two-way slip ramp) depicted in option 2, as described in subparagraph (a)(2) above, then and in such an event, and as a condition precedent to the approval of such reconstructionthe city council, in coordination with the school board, shall identify, reserve and keep available an adequate and equivalent land area in and around CDD No. 10 for the construction, should council authorize and fund such construction, of a public elementary school comparable in function to the school as depicted in the Potomac Yard Site Analysis, Alexandria City Public Schools, option 1A, as prepared by Grimm and Parker, Architects, dated February 7, 2006.

(c) In connection with the activities described in subparagraph (b) above, the city council may consider the redesign of Simpson Park, additional density within CDD No. 10, and/or the reallocation of approved density within said CDD, to the extent reasonably neces-

sary to secure such land area for a public elementary school, and to secure separate open space areas which are in reasonable conformity with guidelines adopted by the city and state, including without limitation the Potomac Yard Urban Design Guidelines, and accommodate the population growth anticipated with the CDD, in addition to the land area for such elementary school.

(d) This paragraph (2) shall be effective April 22, 2006. Plans referenced in this paragraph are included in the record of Docket Item No. 6, at the February 25, 2006 public hearing meeting of city council.

5-606 Final development plan approval.

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

(B) Thirty-five copies of the application shall be submitted. All maps, plats or plans shall be submitted on sheets having a size of 24 inches by 36 inches. A final development plan shall be submitted for the entire district, or for such portions thereof as approved in the preliminary development plan.

(C) The application shall include the following information and materials:

(1) A final site plan as specified in section 11-409(D).

(2) Complete architectural elevations of each proposed building or structure.

(3) Such additional information as the director may require, or the applicant may desire to submit, in order to facilitate review and consideration of the plan.

(D) Upon determination by the director that the application is complete, the application shall be submitted for comment and review to appropriate city departments and agencies.

(E) The director shall consider the final development plan and shall determine if said plan complies with all prior approvals under this section 5-600 and all other applicable provisions of law. Upon the determination that the final development plan does comply, the director shall approve the plan. Upon the determination that the plan does not comply, the director shall disapprove same, stating his reasons therefor, in which event the applicant shall be afforded reasonable opportunity to amend the plan.

(F) Reserved.

(G) Once a final development plan has been approved, and there is cause for amendment of the same, such amendment shall be processed as follows:

(1) Upon a determination by the director that the proposed amendment will result in a final development plan which is still in accordance with the prior conceptual design plan and preliminary development plan approvals, then such amendment will be processed in accordance with the provisions of this section 5-606.

(2) Upon a determination by the director that the proposed amendment will cause the final development plan to be not in accordance with the prior conceptual design plan and preliminary development plan approvals, then the procedures for amendment of such prior approvals, either or both as the case may be, shall be followed, in addition to the procedures of this section 5-606.

(H) The approval of a final development plan shall be valid for the period specified for site plans by section 11-418 and otherwise subject to the provisions of that section.

5-607 Special procedures where district not in common ownership or control.

(A) If any district on June 24, 1992 is not in common ownership or control, or thereafter becomes not in common ownership or control by virtue of any involuntary transfer or sale, the owner of record of a portion of the district may apply for approval under this section 5-600, in conformity with the master plan guidelines for the district pertaining to the entire portion of the

district under the control of such owner, notwithstanding that the application pertains only to such portion of the district. Such applica-

tion shall consist of a certification which demonstrates to the director's satisfaction and on such forms as the director may provide that such owner has diligently attempted, without success is not caused in whole or in part by the applicant. Certification may consist of written communications between the applicant and the other owners indicating that a joint application will not be forthcoming.

(B) If any district in common ownership or control on June 24, 1992 thereafter ceases to be in common ownership and control by virtue of any transfer or sale other than an involuntary transfer or sale, the owner of record of a portion of the district may file with the city clerk a petition, under oath, stating facts sufficient to show that he is entitled to relief under this section 5-607(B).

(1) Such petition shall include a specific description of the relief sought and, in particular, of the requirements of this section 5-600 from which an exemption is requested. The fee for filing such petition shall be $150.00, and such fee shall be in addition to all other fees required by law.

(2) In order to obtain relief under this section 5-607(B), the petitioner shall have the burden of showing by clear and convincing evidence that the strict application of the requirements of this section 5-600 to the parcel which is the subject of the petition will result in extraordinary hardship, approaching confiscation, of a nature which is not self-induced, which is unique to the petitioner and which is not shared generally by those persons subject to the requirements of this section 5-600.

(3) The director shall review the petition and shall forward his recommendations thereon to city council. The city manager shall schedule a public hearing on the petition before city council within 45 days of the filing of the petition. Notice of such hearing shall be given pursuant to section 11-300 of this ordinance.

(4) City council may grant, in whole or in part, the exemption from the requirements of this section 5-600 sought by the petitioner if it determines, on specific written findings of fact, that the strict application of such requirements to petitioner's parcel will result in extraordinary hardship, approaching confiscation, of a nature which is not self-induced, which is unique to the petitioner and which is not shared generally by those persons subject to the requirements of this section 5-600.

(5) In the event that city council determines to grant petitioner an exemption, it shall issue an appropriate order for relief, describing the requirements of this section 5-600 from which petitioner shall be partially or fully exempt. Such order shall provide the minimum relief necessary to alleviate the hardship proved by petitioner. In all but the most extraordinary circumstances, the relief awarded shall not excuse compliance with the master plan guidelines applicable to the district, in order to assure that the entire district, when developed, shall comply with the master plan guidelines.

(6) City council may include such terms and conditions in the order for relief as it deems necessary and desirable to protect the public health, safety and general welfare and to assure that the parcel will be developed in harmony with the intended spirit and purpose of this section 5-600.

(C) For the purpose of applying this section 5-607, the following CDD districts shall be deemed to be in common ownership or control on June 24, 1992: Duke Street, Cameron Center, Winkler Tract, Stone Tract, Trade Center and Cameron Station; the following CDD districts shall be deemed to be not in common ownership or control on such date: Eisenhower Avenue, Arlandria Center/ Berkey Photo, Route 1 Properties, and Potomac Yard/Greens.

5-608 *Alternative development permitted.* Notwithstanding the provisions of sections 5-602 and 5-603, the land in a CDD district may be used and developed pursuant to the density, height, use and other applicable zone regulations provided for use and development within each district, without CDD special use permit approval, as shown in Table 1.

5-609 *Relationship with other provisions of law.* The provisions contained in this section 5-600 shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this ordinance or other city ordinances. Nothing contained in this section 5-600 shall excuse any person from compliance with all other applicable provisions of this ordinance. Nor shall compliance with any other provisions of this ordinance excuse any person from compliance with the provisions of this section 5-600.

5-610 *Potomac Yard Design Advisory Committee.*

(A) There is hereby established by ordinance the Potomac Yard design advisory committee.

(B) The Potomac Yard design advisory committee shall consist of ten members appointed by the city council, pursuant to title 2, chapter 4 of

the Code of the City of Alexandria, Virginia, 1981, as amended, for staggered terms of two years. The committee shall include two members representing the Potomac East area; one member with urban design or architectural experience representing the National Park Service; two members representing the Potomac West area; two members representing the Potomac Yard area; one member representing the business community, and two qualified professionals skilled in architecture or urban design.

(C) The purpose of the Potomac Yard design advisory committee is to review applications for preliminary development plan special use permit approval under this ordinance, within CDD No. 10 Potomac Yard/Greens and CDD No. 19 North Potomac Yard, for compliance with the respective urban design guidelines or design standards applicable therein, and make recommendation on such applications to the planning commission and city council through the director.

(D) The director shall send a copy of any proposed preliminary development plan for the CDD to the committee, and the committee shall send its comments to the director in time to be sent to the planning commission together with the staff report on the proposed plan. Each applicant for a preliminary development plan approval shall be encouraged to discuss its proposal with the committee, including prior to the filing of an application for approval of a preliminary development plan.

(E) The committee shall establish a regular schedule which provides for meetings at least once per calendar quarter. Additional meetings may be scheduled by the chair of the committee, in consultation with the director.

(F) Section 2-4-7(f) of the City Code, which prohibits a person from serving on more than one standing committee, shall not apply to service on the Potomac Yard design advisory committee; provided, however, that this subsection shall expire on December 18, 2007.

5-611 Eisenhower East Design Review Board.

(A) There is hereby established by ordinance the Eisenhower East Design Review Board.

(B) The Eisenhower East Design Review Board shall consist of five members selected as follows:

(1) One member of city council, selected by the council following a council election for a three-year term;

(2) The city manager or designee;

(3) One citizen member residing in the area served by the board, and selected annually by the council; and

(4) Two qualified professionals skilled in architecture or urban design, who shall be selected annually by the foregoing three members.

(C) The purpose of the Eisenhower East Design Review Board is to review applications under this ordinance, within CDD No. 2 (Eisenhower Avenue Metro) and CDD No. 11 (South Carlyle), and for properties in CDD No. 1 (Duke Street) on which development is governed by any special use permit which authorizes or requires design review by the Carr/Norfolk Southern (Carlyle) Design Review Board. Applications within CDD No. 2 and CDD No. 11 are to be reviewed for compliance with the Eisenhower East Small Area Plan and the Eisenhower East Design Guidelines, as adopted by the planning commission. Applications within CDD No. 1 are to be reviewed for compliance with the applicable urban design guidelines therein. The board will make recommendations on such applications to the planning commission and city council through the director.

(D) The director shall send to the board a copy of any application subject to its review, and the board shall send its comments to the director in time to be sent to the planning commission together with the staff report on the application. Each applicant shall discuss their application with the board prior to filing.

(E) The board and director shall establish a regular schedule which provides for meeting at least once per calendar quarter. Additional meetings may be called by the chair of the board and the director.

(F) The Eisenhower East Design Review Board shall assume and perform all the functions of the Carr/Norfolk Southern (Carlyle) Design Review Board.

5-612 Beauregard Urban Design Advisory Committee.

(A) There is hereby established by ordinance the Beauregard Urban Design Advisory Committee.

(B) The Beauregard Urban Design Advisory Committee shall consist of nine members appointed by city council as follows:

(1) Four qualified professional members skilled in architecture, planning, landscape architecture and/or urban design;

(2) Three citizen members;

(3) One member representing the business community; and

(4) One at-large member.

(C) The purpose of the Beauregard Urban Design Advisory Committee is to review applications under this ordinance, within CDD No. 21, CDD No. 22 and CDD No. 23 and other redevelopment sites within the Beauregard Small Area Plan. Applications within the Beauregard Small Area Plan are to be reviewed for compliance with the Beauregard Small Area Plan and the Beauregard Urban Design Standards and Guidelines, as adopted by the planning commission. The board will make recommendations on such applications to the planning commission and city council through the director.

(D) The director shall send to the board a copy of any application subject to its review, and the board shall send its comments to the director in time to be sent to the planning commission together with the staff report on the application. Each applicant shall discuss their application with the board prior to filing.

(E) The board and director shall establish a regular schedule which provides for meeting at least once per calendar quarter. Additional meetings may be called by the chair of the board and the director.

(Ord. No. 3604, § 1, 12-12-92; Ord. No. 3643, § 1, 6-12-93; Ord. No. 3699, § 1, 1-22-94; Ord. No. 3706, § 1, 2-12-94; Ord. No. 3837, § 1, 11-18-95; Ord. No. 3861, § 1, 4-13-96; Ord. No. 3911, § 1, 1-25-97; Ord. No. 3923, §§ 1—4, 4-12-97; Ord. No. 3987, § 1, 4-18-98; Ord. No. 4031, § 1, 12-12-98; Ord. No. 4062, §§ 1, 2, 6-12-99; Ord. No. 4077, § 1, 10-16-99; Ord. No. 4128, § 1, 4-15-00; Ord. No. 4281, § 1, 11-16-02; Ord. No. 4294, §§ 2, 3, 4-12-03; Ord. No. 4310, §§ 2—4, 6-14-03; Ord. No. 4370, §§ 1, 2, 12-18-04; Ord. No. 4399, §§ 4, 5, 5-14-05; Ord. No. 4441, § 1, 4-22-06; Ord. No. 4442, §§ 1—3, 4-22-06; Ord. No. 4527, § 1, 4-21-08; Ord. No. 4572, § 1, 12-13-08; Ord. No. 4575, § 1, 12-13-08; Ord. No. 4580, § 1, 2-21-09; Ord. No. 4581, § 1, 3-14-09; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4678, § 2, 6-22-10; Ord. No. 4709, § 1, 3-12-11; Ord. No. 4734, § 1, 6-28-11; Ord. No. 4787, § 1, 2-23-13; Ord. No. 4814, §§ 1, 2, 6-15-13; Ord. No. 4894, § 1, 6-14-14; Ord. No. 4930, §§ 1, 2, 2-21-15; Ord. No. 4962, § 1, 6-23-15; Ord. No. 4963, § 1, 6-23-15; Ord. No. 4996, § 1, 4-16-16; Ord. No. 5014, § 1, 5-14-16; Ord. No. 5027, § 1, 6-18-16; Ord. No. 5033, § 1, 6-28-16)

ARTICLE VI. SPECIAL AND OVERLAY ZONES

Sec. 6-100 POS/Public open space and community recreation zone.
Sec. 6-200 WPR/Waterfront park and recreation zone.
Sec. 6-300 Floodplain district.
Sec. 6-400 Height districts.
Sec. 6-500 Urban overlay district. (Old Town North)
Sec. 6-600 Mount Vernon Avenue urban overlay zone.
Sec. 6-700 KR/King Street urban retail zone.
Sec. 6-800 King Street outdoor dining overlay zone.

Sec. 6-100 POS/Public open space and community recreation zone.

6-101 *Purpose and short title.* The POS zone is intended to preserve and enhance Alexandria's publicly owned open space and recreational areas and to protect the natural and developed amenities they possess by allowing only that development which respects and is consistent with those amenities. This zone is intended to apply to all publicly owned open spaces, parks, recreation facilities and similar areas.

6-102 *Permitted uses.* The following are permitted uses in the POS zone:

(A) Recreational areas consisting of natural and unimproved geographic features such as woodland, meadowland or wetland areas, wildlife sanctuaries or preserves, water courses, streams, lakes and ponds, and similar geographic features;

(B) Improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities only, such as hiking and bicycle trails, squares, greens and commons, sitting areas, picnic areas and fishing sites, and like facilities, subject to approval of a site plan.

6-103 *Accessory uses and structures.* Accessory uses and structures, including outdoor storage and park guard facilities, are permitted in the POS zone, subject to approval of a site plan.

6-104 *Temporary uses and structures.* Temporary uses and structures compatible with the purposes of the POS zone, such as fairs, festivals and competitions, and structures associated therewith, such as tents and band shells, may be permitted by resolution of city council, subject to such limitations, terms and conditions as therein specified; provided, that city council may by resolution delegate such approval authority, in whole or in part, to the city manager, under appropriate standards and guidelines, and subject to appeal to city council.

6-105 *Special uses.* The following uses may be allowed in the POS zone pursuant to a special use permit:

(A) Public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions, providing functions and facilities such as gymnasiums, meeting rooms, game rooms, arts and crafts centers, and dining and dancing facilities;

(B) Active and/or congregate recreational facilities such as:

(1) Athletic fields, children's play apparatus areas, archery ranges and court game facilities;

(2) Indoor and outdoor swimming pools;

(3) Indoor and outdoor roller skating and ice skating rinks;

(4) Amphitheaters, band shells and outdoor theaters, not including drive-in theaters;

(5) Miniature golf courses and similar amusement and recreational facilities;

(C) Commercial facilities customarily incidental and subordinate to the operation of public recreational uses, such as refreshment stands and small shops providing sporting goods and related services.

(D) Cultural facilities such as botanical gardens, arboretums, nature centers, conservatories, historic sites, archeological sites, monuments and memorials;

(E) Plant, tree and flower nurseries;

(F) Public utility rights-of-way, man-made lakes, ponds and water courses, and similar public works compatible with the purposes of the POS zone;

(G) Facilities for the lighting of any area in the POS zone for nighttime use;

(H) Outdoor food and crafts market;

(I) Temporary public school classroom trailers in conjunction with adjacent public schools. This subsection shall expire on June 30, 2006. Any trailers permitted under the authority of this subsection shall be removed by that date.

(J) Public recycling center, provided that the director finds that the use does not interfere with an established active or passive recreation area; that no trees will be removed to accommodate the

use, unless such removal is approved by the director of parks, recreation and cultural activities, and that uses adjacent to the recycling site are compatible with recycling activities.

6-105.1 *Prohibited uses.* Any use which is not a permitted, special, temporary or accessory use pursuant to this section 6-100 is prohibited.

6-106 *Bulk, space and yard requirements.* The following bulk, space and yard requirements shall apply in the POS zone:

(A) *The maximum permitted height of a building or structure is:* 15 feet; provided, that with a special use permit the height may be increased to an amount not to exceed 30 feet for a building or structure or, in the case of an ornamental structure as defined in section 2-197.1, to an amount not to exceed 40 feet.

(B) *Required yards:*

(1) *Front yards.* None is required.

(2) *Side and rear yards.* A setback of 20 feet is required when adjacent to any residential lot or zone; otherwise none is required.

(3) *Special setback.* Any area intended for active and/or congregate outdoor recreational activities shall be located at least 30 feet from any property zoned for residential purposes or shall be so screened as to provide visual and auditory privacy to such property.

(4) *Required landscaping.* All yards shall be landscaped in a manner consistent with the natural setting to be maintained in the POS zone.

6-107 *Parking requirements.* Off-street parking requirements applicable to the permitted and special uses in the POS zone are set forth in Article VIII. Parking for temporary uses shall be as specified in the approval therefor. In addition, all parking areas located within the POS zone shall comply with the following standards:

(A) No parking areas shall be located within any required yard, and a maximum of 50 percent of any front yard may be devoted to parking, if compatible with adjacent front yards.

(B) All parking areas shall be landscaped in a manner consistent with the natural setting to be maintained in the POS zone.

6-108 *Use limitations.* The following limitations and conditions shall govern all permitted, special and temporary uses in the POS zone:

(A) Outdoor storage shall be entirely screened from view.

(B) All lighting shall be located and shielded so as to prevent the direct glare of beams onto residential properties and streets.

(C) All public address systems, loudspeakers or other sound-producing activities shall be designed, located and operated so as to avoid any undue disturbance or any nuisance to surrounding areas.

6-109 *Nonconforming use exemption.* No use or structure, otherwise subject to the provisions of this section 6-100, which was in existence on September 16, 1989 or for which a preliminary or combination site plan approved on or before September 16, 1989, continues in force and effect, shall be deemed a nonconforming use by virtue of any provisions of this section 6-100, nor shall any such use be subject to the provisions of this section 6-100; provided, however, that no such use shall be extended or enlarged to a size or density in excess of that which existed on, or which was described in, a site plan approved as of September 16, 1989, unless compliance with the provisions of this section 6-100 shall have been had.
(Ord. No. 3612, § 4, 1-23-93; Ord. No. 3654, § 2, 6-30-93; Ord. No. 3753, § 1, 9-27-94; Ord. No. 4061, §§ 1, 2, 6-12-99; Ord. No. 4155, § 1, 9-16-00; Ord. No. 4272, § 2, 10-19-02)

Sec. 6-200 WPR/Waterfront park and recreation zone.

6-201 *Purpose.* The purpose of the WPR zone is to enhance the vitality of the Alexandria waterfront by providing for parks, open spaces and recreational opportunities linked by a continuous pedestrian promenade.

6-202 *Permitted uses.* The following uses are permitted in the WPR zone:

(A) Public buildings;

(B) Public parks, playgrounds, athletic fields or other outdoor recreation facilities;

(C) Retail and/or service commercial when accessory to a permitted use, provided such retail and/or service commercial does not occupy more than ten percent of the land area of the lot, parcel or tract of land.

6-203 *Special uses.* The following uses may be allowed in the WPR zone pursuant to a special use permit:

(A) Bike rental;

(B) Commercial outdoor recreation facilities;

(C) Facilities used for the docking or berthing of boats or ships, including public or private marinas and/or boat clubs with related facilities limited to water and electricity connections;

(D) Outdoor food and crafts market;

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

(F) Restaurants, including outdoor cafes.

6-203.1 Prohibited uses. Any use which is not a permitted, special or accessory use pursuant to this section 6-200 is prohibited.

6-204 *Yard regulations.*

(A) *Front yards.* The front building line shall be set back not less than 20 feet from the front lot line for all uses.

(B) *Side yards.* The minimum side yard shall be 12 feet.

(C) *Rear yards.* The minimum rear yard shall be 12 feet.

6-205 *Coverage.* No more than 30 percent of any lot, parcel or tract of land shall be covered by building.

6-206 *Open and usable space.* 25 percent of any lot, parcel or tract of land shall be provided as open and usable space. In addition, each use, development or project shall provide an open space walkway and bikeway adjacent to the high water mark of the Potomac River.

6-207 *Height.* No building shall exceed 30 feet in height.

6-208 *Underground utilities.* All developments containing new or replacement utility facilities within the development shall provide for underground installation of said facilities.
(Ord. No. 3612, § 5, 1-23-93; Ord. No. 3753, § 1, 9-27-94)

Sec. 6-300 Floodplain district.

6-301 *Purpose and intent.*

(A) This ordinance is adopted pursuant to the authority granted to all localities by Va. Code § 15.2-2280, as well as the authority

specifically granted to the city in its Charter. The purpose of these provisions is to prevent: the loss of life and property, the creation of health and safety hazards, the disruption of commerce and governmental services, the extraordinary and unnecessary expenditure of public funds for flood protection and relief, and the impairment of the tax base by:

(1) Regulating uses, activities, and development which, alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies;

(2) Restricting or prohibiting certain uses, activities, and development from locating within districts subject to flooding;

(3) Requiring all those uses, activities, and developments that do occur in flood-prone districts to be protected and/or flood-proofed against flooding and flood damage; and,

(4) Protecting individuals from buying land and structures which are unsuited for intended purposes because of flood hazards.

6-302 Applicability.

(A) These provisions shall apply to all privately and publicly owned lands within the jurisdiction of the City of Alexandria and identified as being in a floodplain as designated in the flood insurance study and as shown on the flood insurance rate maps prepared by the Federal Emergency Management Agency (FEMA) dated June 16, 2011.

(B) The floodplain district regulations in section 6-300 are adopted in compliance with floodplain management criteria set forth in regulations promulgated by FEMA.

(C) This section shall be applicable to all applicants for building permits in the floodplain area.

(D) All buildings for which a building permit shall have been duly and regularly issued by the director of building and mechanical inspections on or before May 24, 1977, which permit has not expired, may be completed without the necessity of complying with the floodplain district regulations in section 6-300, but after completion, any such building or structure and the land on which it is situated shall be subject to all the provisions of said section.

(E) All preliminary site plans which have been duly and regularly approved on or before May 24, 1977, and which have not expired,

may be completed without the necessity of complying with the floodplain district regulations in section 6-300, but after completion, any building or structure on said site plan together with the land included in said site plan shall be subject to all the provisions of said section

(F) All final site plans which have been duly and regularly approved and released on or before May 24, 1977, and which have not expired may be completed without the necessity of complying with the floodplain district regulations in section 6-300, but after completion, any building or structure on said site plan together with the land included in said site plan shall be subject to all the provisions of said section.

(G) Any building or structure which is in existence on or before June 15, 2011, or for which a preliminary or combination site plan, building permit or subdivision approved on or before June 15, 2011, continues in force and effect shall not be deemed a nonconforming use provided, that any such building or structure which, following June 15, 2011, is the subject of substantial improvement shall comply with the floodplain regulations in effect at the time of such improvement.

6-303 *Definitions.* For the purposes of this section 6-300 the following terms and phrases shall have the meaning ascribed as follows below. Should any uncertainty occur with respect to the definition of any word, term or phrase used in this section, the applicable definitions set out in 44 CFR 59.1, as amended, shall apply.

(A) *A Zone.* An area of the one hundred (100)-year flood as shown on the Flood Insurance Rate Map. This zone is also referred to as the Approximated Floodplain District.

(B) *AE Zone.* An area shown of the 100-year flood on the flood insurance rate map for which corresponding base flood elevations have been provided. This zone is also referred to as the Special Floodplain District.

(C) *Base flood.* The flood having a one percent chance of being equaled or exceeded in any given year. May also be referred to as the 100-year flood.

(D) *Base flood elevation (BFE).* The FEMA designated 100-year water surface elevation as shown on the flood insurance rate map that corresponds to the base flood.

(E) *Basement.* Any area of a building (including parking) having its floor subgrade (below ground level) on all sides.

(F) *Development.* Any man-made change to improved or unimproved real estate, including, but not limited to, the construction of buildings or other structures, the placement of manufactured homes, the construction of streets, the installation of utilities and other activities or operations involving paving, filling, grading, excavating, mining, dredging or drilling, the storage of equipment or materials.

(G) *Existing manufactured home park or subdivision.* A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

(H) *Flood/flooding.*

(1) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) The overflow of inland or tidal waters;

(b) The unusual and rapid accumulation or runoff of surface waters from any source; or,

(c) Mudflows which are proximately caused by flooding as defined in paragraph (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(2) The collapse or subsistence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (1)(a) of this definition.

(I) *Flood insurance rate map (FIRM).* An official map of a community, on which the FEMA Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A flood insurance rate map that has been made available digitally is called a digital

flood insurance rate map (DFIRM). The official Flood Insurance Rate Map for the City of Alexandria shall be the in the digital format prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, as amended.

(J) *Flood insurance study (FIS).* An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudflow and/or flood-related erosion hazards. The official Flood Insurance Study for the City of Alexandria shall be the flood insurance study prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, as amended.

(K) *Floodplain.* A relatively flat or low land area adjoining a river, stream or other watercourse which is subject to partial or complete inundation by water from such watercourse, or a land area which is subject to the unusual and rapid accumulation or runoff of surface waters from any source.

(L) *Floodplain district.* The areas encompassed by the 100-year floodplain as shown on the flood insurance rate map.

(M) *Flood-prone area.* Any land area susceptible to being inundated by water from any source more often than once in a 100-year period.

(N) *Floodproofing.* Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

(O) *Floodway.* The designated area of a floodplain required to carry and discharge flood waters of a given magnitude. For purposes of this section 6-300, a floodway must be capable of accommodating a flood of the 100-year magnitude.

(P) *Freeboard.* A factor of safety usually expressed in feet above a specified flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed.

(Q) *Highest adjacent grade.* The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

(R) *Historic structure.* Any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or,

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

(S) *Lowest floor.* The lowest floor of the lowest enclosed area (including basement). A parking structure that is below grade on all sides is considered a basement and therefore the lowest floor. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area (the enclosure is not below grade on all sides) is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable floodproofing non-elevation design requirements of this section 6-300.

(T) *Manufactured home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed to be used as a single-family dwelling, with or without permanent foundation, when connected to the required facilities, and which includes the plumbing, heating, air conditioning and electrical systems contained in the structure. A manufactured home shall include park trailers and other similar vehicles when placed on a site for greater than 180 days.

(U) *Mixed-use building.* Any building or structure that is used or intended for use for a mixture of nonresidential and residential uses in the same building or structure. For floodplain manage-

ment purposes, a mixed-use building is subject to the same rules and conditions as a residential building unless all of the provisions set forth more specifically herein are met.

(V) *New construction.* Buildings and structures as to which the start of construction occurred on or after May 24, 1977, including any subsequent improvements to such buildings or structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

(W) *Nonresidential building.* Any building or structure which is not a residential building or a mixed-use building.

(X) *Recreational vehicle.* A vehicle which is:

(1) Built on a single chassis;

(2) Four hundred square feet or less when measured at the largest horizontal projection;

(3) Designed to be self-propelled or permanently towable by a light duty truck; and,

(4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.

(Y) *Residential building.* Any single-family dwelling, two-family dwelling, row or townhouse dwelling, or multi-family dwelling, and any accessory building or structure.

(Z) *Shallow flooding area.* A special flood hazard area with base flood depths from one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

(AA) *Special flood hazard area (SFHA).* The land in the floodplain subject to a one percent or greater chance of being flooded in any given year as designated on the official Flood Insurance Rate Map for the City of Alexandria.

(BB) *Start of construction.* The date a building permit is issued, provided that the actual start of construction begins within 180 days of the permit issuance date. For new construction, the actual start of construction means the initial placement of permanent construction of a structure on the site, such as the pouring of

footings or a slab, the installation of piles, the construction of columns or any work beyond the state of excavation, or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, or the installation of streets or walkways, or excavation for a basement or for footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings, such as garages or sheds not occupied as dwelling units and not part of the main structure. For substantial improvements, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not the alteration affects the external dimensions of the buildings.

(CC) *Structure.* For flood plain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. "Structure" for insurance coverage purposes, means:

(1) A building with two or more outside rigid walls and a fully secured roof, that is affixed to a permanent site;

(2) A manufactured home (also known as a mobile home), is a structure: built on a permanent chassis, transported to its site in one or more sections, and affixed to a permanent foundation; or

(3) A travel trailer without wheels, built on a chassis and affixed to a permanent foundation, that is regulated under the community's floodplain management and building ordinances or laws.

For the latter purpose, "structure" does not mean a recreational vehicle or a park trailer or other similar vehicle, except as described in paragraph (3) of this definition, or a gas or liquid storage tank.

(DD) *Substantial damage.* Damage of any origin sustained by a building or structure whereby the cost of restoring the building or structure to its before damaged condition would equal or exceed 50 percent of the market value of the building or structure before the damage occurred.

(EE) *Substantial improvement.* Any repair, reconstruction, rehabilitation, addition or other improvement of a building or structure, the cost of which equals or exceeds 50 percent of the market value of the building or structure immediately before construction of the

improvement is commenced, or any restoration of a building or structure which has incurred substantial damage; provided, that the term does not include:

(1) Any improvement of a building or structure that is necessary to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by appropriate officials of the state or city and which are the minimum necessary to assure safe living conditions; or

(2) Any improvement of a "historic structure," as defined in this section, so long as the improvement does not preclude the structure's continued designation as a "historic structure."

(FF) *Violation.* The failure of a structure or other development to be fully compliant with the City of Alexandria's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

6-304 Description of floodplain districts.

(A) The various floodplain districts shall include the special flood hazard areas described below. The basis for the delineation of these districts shall be the flood insurance study and the flood insurance rate maps for the City of Alexandria prepared by FEMA, Federal Insurance Administration, dated June 16, 2011, and any subsequent revisions and amendments thereto.

(1) The special floodplain district shall include those areas identified as an AE zone on the flood insurance rate map for which 100-year base flood elevations have been provided.

(2) The approximated floodplain district shall include those areas identified as an A zone on the flood insurance rate map. In these zones, no detailed flood profiles or elevations are provided, but the 100-year floodplain boundary has been approximated. For these areas, the 100-year flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific 100-year flood elevation cannot be determined for this area using other sources of data, such as the U.S. Army Corps of Engineers Flood Plain Information Reports, U.S. Geological Survey Flood-prone Quadrangles, etc., then the

applicant for the proposed use, development and/or activity shall determine this elevation in accordance with FEMA-approved hydrologic and hydraulic engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently-accepted technical concepts. Studies, analyses, computations, etc., shall be submitted in sufficient detail to allow a thorough review by the director of transportation and environmental services.

(B) The delineation of any of the floodplain districts may be revised by the City of Alexandria where natural or man-made changes have occurred and/or where more detailed studies have been conducted or undertaken by the U.S. Army Corps of Engineers or other qualified agency, or an individual documents the need for such change. Updates to the delineation of the floodplain districts require approval from both the City of Alexandria and the FEMA Federal Insurance Administration.

(C) Any uncertainty on the floodplain district map, or flood insurance rate map, with respect to the boundary of any floodplain district, either A or AE zone, shall be determined by the director of transportation and environmental services by scaling and computation from the map or by land survey information.

6-305 Administration.

(A) The director of transportation and environmental services shall be responsible for the administration of the floodplain management regulations set forth in this section 6-300. He or she shall be responsible for the review of all proposed uses and development to determine whether the land on which the proposed use or development is located is in a floodplain, and that the site is reasonably safe from flooding.

(B) An applicant must apply for a permit and issuance of the permit is required prior to the start of any development within the special flood hazard area.

(C) No site plan, subdivision plat or building permit application which proposes to construct or make substantial improvements within any floodplain district shall be approved by any agency of the City of Alexandria without certification by the director of transportation and environmental services that the plan, plat or permit application meets the requirements of this section 6-300.

The director of transportation and environmental services shall insure that all other required permits related to development in the floodplain from state or federal governmental agencies have been obtained.

(D) All applications for new construction or substantial improvement within any floodplain district, and all building permits issued for the floodplain shall incorporate the following information:

(1) The base flood elevation at the site;

(2) The elevation of the lowest floor (including basement);

(3) For structures to be floodproofed (nonresidential only), the elevation to which the structure will be floodproofed; and,

(4) Topographic information showing existing and proposed ground elevations.

(E) The director of transportation and environmental services may require information from the applicant, including, but not limited to, an engineering study of the floodplain. Upon a determination that the land on which the proposed use or development is located in a floodplain, the director of transportation and environmental services shall determine whether such use or development may be permitted in accordance with the provisions of section 6-306 through 6-308 or requires the approval of a variance as set forth in section 6-311.

(F) The director of transportation and environmental services shall be responsible for the collection and maintenance of records necessary for the city's participation in the National Flood Insurance Program. Base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, the director of transportation and environmental services shall notify or require the applicant to notify the FEMA Federal Insurance Administrator of any change in base flood elevation or the boundaries of any special flood hazard area depicted on the city's flood insurance rate map by submitting technical and scientific data to FEMA for a letter of map revision.

6-306 *Special regulations.* Within the boundaries of any A or AE zones in any floodplain district as shown on the flood insurance rate map, buildings or structures and their extensions and accessory buildings or structures maybe

be constructed or substantially improved only in accordance with the following requirements of this section 6-300 and all other applicable provisions of law.

(A) The elevation of the lowest floor, including the basement, for any new residential building or any extension to a residential building shall be at least one foot above the base flood elevation.

(B) The elevation of the lowest floor, including the basement for any new nonresidential building or structure and any extension or accessory to a nonresidential building shall be at least one foot above the base flood elevation. Nonresidential buildings located in all A or AE zones may be floodproofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the base flood elevation plus one foot are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. In no event shall any floor below at least one foot above the base flood elevation be used for human or animal habitation, food storage or food preparation.

(C) All new and replacement public utilities, water mains and sanitary sewers shall be designed to minimize or eliminate infiltration and exfiltration and to insure their structural integrity under flood conditions to the satisfaction of the director of transportation and environmental services.

(D) Water heaters, furnaces, electrical distribution panels and other critical mechanical or electrical installations shall not be installed below the base flood elevation. Separate electrical circuits shall serve areas below the base flood elevation and shall be dropped from above.

(E) Any proposed use of land, development and any new construction or substantial improvement of a building or structure within an A or AE zone, in conjunction with all other uses, existing or possessing a valid permit for construction, shall not increase the water-surface elevation of the 100-year flood by more than 0.5 foot. Any party proposing a land use or development or such construction or improvement within an A or AE zone shall furnish specific engineering data and information as to the effect of the proposed action on future flood heights and obtain approval from the director of transportation and environmental services prior to undertaking the action.

(F) No building permit shall be issued for the construction or substantial improvement of a building or structure unless the applicant submits to the department of code administration a certification from a duly registered architect or engineer that the proposed construction (including prefabricated homes) or improvement meets the following requirements:

(1) The construction shall be protected against flood damage;

(2) The construction shall be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the building and structure;

(3) The construction shall be built using materials and utility equipment that are resistant to flood damage; and,

(4) The construction shall be built using methods and practices that will minimize flood damage. The certification required be section 6-306(F)(1) and (2) shall be based on the 100-year flood level as noted on the flood insurance rate map.

(G) No building permit for the substantial improvement of an existing nonresidential building shall be issued unless the building, together with attendant utility and sanitary facilities, has the lowest floor (including the basement) elevated at least one foot above the base flood elevation. Should this not be feasible, no such permit shall be issued unless the existing structure is watertight floodproofed as described in section 6-306 in all areas below the base flood elevation to the classification designated by the director of transportation and environmental services.

(H) No building permit for the substantial improvement of an existing residential building shall be issued unless the building has the lowest floor (including the basement) elevated at least one foot above the base flood elevation.

(I) Wherever floodproofing is utilized within the scope of this section 6-300, such floodproofing shall be done by approved methods. A registered professional engineer or architect shall certify the adequacy of the floodproofing design to withstand the stresses of the base flood and such plan shall cite the elevation to which the structure is floodproofed. Such certification shall be provided on Federal Emergency Management Agency, National Flood Insurance Program, elevation certificate and/or floodproofing certificate as applicable. Designs meeting the requirements of the W-1 and W-2 without human intervention technique as outlined in floodproofing regulations of the Office of the Chief of Engineers, U.S. Army, December 15, 1995, shall be deemed to comply with

this requirement. The building or code official shall maintain a file of such certifications, including the elevation of the lowest floor for structures that are elevated in lieu of watertight floodproofing.

(J) For all new construction or substantially improved structures, fully enclosed areas below the lowest floor (other than a basement) which are below the base flood elevation shall:

(1) Only be used for the parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises and shall not be designed or used for human habitation. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or the entry to the living area (stairway or elevator);

(2) Be constructed entirely of flood resistant materials below the base flood elevation; and,

(3) Include, in A and AE zones, measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must be certified by a professional engineer or architect or meet the minimum design criteria:

(a) Provide a minimum of two openings on different sides of each enclosed area subject to flooding;

(b) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding;

(c) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit;

(d) The bottom of all required openings shall be no higher than one foot above the adjacent grade;

(e) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwaters in both directions; and,

(f) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood

underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.

(K) Any mixed-use building may be considered a nonresidential building for purposes of this section 6-306 if all of the following conditions are met; otherwise, the building shall be considered a residential building:

(1) No more than 20 percent of the development site is within the boundaries of any A or AE zones in any floodplain district as shown on the flood insurance rate map;

(2) At least 20,000 square feet of finished floor area of the proposed mixed-use building is devoted to nonresidential use;

(3) Basement areas (including below grade parking) must be located outside the boundaries of any A or AE zones in any floodplain district; and,

(4) All floodproofing requirements specified in this section 6-300 and as specified in FEMA Technical Bulletin 3-93 Non-Residential Floodproofing - Requirements and Certification must be met.

6-307 Other conditions.

(A) No filling of any kind shall be allowed within the boundaries of any A or AE zone except where such filling, when considered in conjunction with all other uses, existing and proposed, will not increase the base flood elevation more than 0.5 foot. Persons proposing such filling shall furnish specific engineering data and information as to the effect of their proposed action on future flood heights and shall obtain approval from the director of transportation and environmental services prior to any filling.

(B) All uses, activities and development occurring within any floodplain district shall only be undertaken in strict compliance with the Virginia Uniform Statewide Building Code (VA USBC).

(C) No wall, fence or other outdoor obstruction shall be constructed in any floodplain district unless such structure is approved by the director of transportation and environmental services; provided that open mesh wire fences of not less than No. 9 wire, with mesh openings of not less than six inches times six inches, whose supports shall be securely anchored in concrete and whose wire

shall be securely fastened to the supports, may be erected without any review by or approval of the director of transportation and environmental services under this section 6-300.

(D) The provisions of this section 6-300 shall not be construed to prevent the remodeling (not amounting to substantial improvement), maintenance or floodproofing of buildings and structures now existing, or prevent the surfacing or resurfacing of existing streets or parking lots within two inches of the existing grade.

6-308 *Subdivision requirements.*

(A) Subdivision proposals which are located in A or AE zones must comply with the provisions of section 6-300 and shall:

(1) Be consistent with the need to minimize flood damage;

(2) Have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;

(3) Have adequate drainage provided to reduce exposure to flood hazards; and,

(4) Include base flood elevation data.

6-309 *Trailer camps, manufactured homes, mobile homes, recreational vehicles and septic tank systems.*

(A) Trailer camps, manufactured homes and mobile homes are not permitted in any floodplain district.

(B) All recreational vehicles in the floodplain must be on the site for fewer than 180 consecutive days and be fully licensed and ready for highway use.

(C) Installation of septic tank systems in any floodplain district is prohibited.

6-310 *Flood prevention projects.* Nothing in section 6-304 through section 6-308 shall be construed to prohibit the City of Alexandria or any person from undertaking lawful filling, draining, construction, realignment or relocation of stream channels or any other improvement that is intended to eliminate or reduce the danger of flooding, provided:

(A) The improvement is in accord with the City of Alexandria's flood improvement plan for the floodplain district involved and the director of transportation and environmental services has issued a certificate to that effect;

(B) The improvement is under the general supervision of the director of transportation and environmental services;

(C) The realignment or relocation of any stream channel is designed and constructed so that there will be no reduction in the natural valley storage capacity of the area with respect to the 100-year flood, unless such relocation or realignment is designed to contain the 100-year flood within the banks of the channel;

(D) Notification, in riverine situations, is provided to adjacent communities, Virginia Department of Conservation and Recreation, FEMA, and other required agencies prior to any alteration or relocation of a watercourse; and,

(E) The requirements of section 6-306(E) and section 6-307(A) must be met.

6-311 Variances.

(A) The city council may, for good and sufficient cause, permit less than full compliance with or waive the provisions of section 6-304 through section 6-310, provided:

(1) Written application is made stating the hardship which will occur if the variance is not granted;

(2) A public hearing is held;

(3) The decision is made by a majority vote of the entire membership of city council upon finding that the variance is the minimum necessary, considering the flood hazard, to afford relief;

(4) The director of transportation and environmental services states in writing that the variance will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, extraordinary public expense; and will not create nuisances, cause fraud or victimization of the public, or conflict with local laws and ordinances; and,

(5) The director of transportation and environmental services notifies the applicant in writing that the issuance of a variance to construct a structure below the base flood elevation will result in increased insurance premium rates for flood insurance and that such construction will increase the risks to life and property.

(B) In evaluating applications for variances, the director of transportation and environmental services shall satisfy all relevant factors and procedures specified in other sections of the city's ordinance and consider the following additional factors:

(1) The danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others;

(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners;

(4) The importance of the services provided by the proposed facility to the community;

(5) The requirements of the facility for a waterfront location;

(6) The availability of alternative locations not subject to flooding for the proposed use;

(7) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

(9) The safety of access by ordinary and emergency vehicles to the property in time of flood;

(10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and,

(11) Such other factors which are relevant to the purposes of this ordinance.

(C) The director of transportation and environmental services may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for flood protection and other related matters.

(D) A record shall be maintained of the above notification as well as all variance actions, including justification for the issuance of the

variances. Any variances that are issued shall be noted in the annual or biennial report submitted to the FEMA Federal Insurance Administrator.

(E) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use.

6-312 Compliance, liability, severability and penalties.

(A) No land shall hereafter be developed and no structure shall be located, relocated, constructed, reconstructed, enlarged or structurally altered except in full compliance with the terms and provisions of this section 6-300 and any other applicable ordinances and regulations which apply to uses within the jurisdiction of these floodplain district regulations.

(B) The degree of flood protection required by these floodplain district regulations and all other applicable local, state and federal regulations is considered reasonable for regulatory purposes. Larger floods may occur on rare occasions or flood heights may be increased by man-made or natural causes. Therefore, the regulations set forth in this section 6-300 do not imply that areas outside the floodplain districts, or land uses permitted within such districts, will be free from flooding and flood damages under all conditions. Additionally, the granting of a permit or approval of a development in an identified floodplain district shall not constitute a representation, guarantee, or warranty of any kind by any official or employee of the City of Alexandria of the practicability or safety of the proposed use, and shall create no liability upon the City of Alexandria, its officials or employees.

(C) If any section, subsection, paragraph, sentence, clause or phrase of this section 6-300 shall be declared invalid for any reason by a court of competent jurisdiction, such decision shall not affect the remaining portions of this section 6-300. The remaining portions shall remain in full force and effect; and for this purpose, the provisions of this section 6-300 are hereby declared to be severable.

(D) Any person who shall engage in new construction, substantial improvement or development without a building permit as required by VA USBC and these floodplain management regulations shall be subject to the penalties provided in section 11-200 of the zoning ordinance.

6-313 *Appeals.* Any person aggrieved by a decision of the director of transportation and environmental services under this section 6-300 may appeal that decision to city council; provided, that the appeal shall be filed in writing with the city clerk within 15 days of the decision being appealed and shall describe the decision being appealed and the reasons why the person believes the decision to be invalid.

6-314 *Annual report.* It shall be the city manager's duty to submit any reports to FEMA and the floodplain coordinator at the Virginia Department of Conservation and Recreation that may be required regarding the City of Alexandria's compliance with flood management regulations.
(Ord. No. 4354, § 1, 6-12-04; Ord. No. 4715, § 1, 4-16-11)

Sec. 6-400 Height districts.

6-401 *Height districts established.* The city is hereby divided into six height districts, as follows: No. 1-Old and Historic Alexandria Height District, No. 2-Parker-Gray Height District, No. 3-Potomac River Vicinity Height District, No. 4-Old Town North Height District, No. 5-King Street Metro Station Height District and No. 6-that portion of the city not included within the boundaries of the foregoing named height districts. The boundaries of each height district shall be those shown on the Height District Maps adopted as part of the zoning map.

6-402 *Operation of height districts.* The maximum heights of buildings and structures shall be as specified for each zone, except that no building or structure shall be erected to a height in excess of the height shown on the applicable Height District Map. If the regulations of a particular zone allow an in-

crease in height to be authorized by special use permit, the maximum height authorized under such a special use permit shall not exceed the height shown on the applicable height district map. The regulations and exceptions set forth in section 6-403 are applicable in each height district, and are to be read in conjunction with the height limitations contained in the various zones. In all cases, the lowest applicable height limitation shall prevail.

6-403 General regulations and exceptions.

(A) *Relationship of height to setback.* In all height districts, the allowable height of a building at any point shall not exceed twice the distance from the face of the building at that point to the centerline of the street facing such building.

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

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

(2) The following limitations apply to rooftop mechanical penthouses:

(a) Only one penthouse is permitted unless the number is increased by a special use permit;

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

(c) The penthouse must be limited in size to the minimum space required to house necessary mechanical equipment; and

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

(3) For buildings located within the Old and Historic Alexandria District or the Parker Gray District, or for buildings outside such districts designated pursuant to section 10-300, the board of architectural review having jurisdiction of the matter may, after public hearing, waive or modify the screening requirement of subsection (B)(1) of this section, if

the board finds such requirement to be architecturally inappropriate. The board of architectural review for the Parker Gray District may delegate the waiver authority under this subsection (3), making it an administrative determination pursuant to the requirements of section 10-203 of this ordinance.

(C) *Church steeples.* No church building shall exceed the height for each zone, as limited by the Height District Maps, except that a church steeple may be erected to a height of 90 feet, or to a height in excess of 90 feet but not in excess of 150 feet with a special use permit. For purposes of this section 6-403(C), steeple shall mean a decorative or symbolic architectural component including a tower, spire, belfry or similar component extending above the ridge line of the building roof, or the highest point of the roof of the building.

(D) *Reception or transmission structures.* All radio and television reception or transmission structures require an administrative permit to be issued by the director based on the following considerations:

(1) Whether the proposed size and height of the structure is compatible with the height and scale of adjacent buildings and is the minimum necessary to conduct the anticipated transmission or reception activity;

(2) Whether the proposed location of the structure is one that has the least negative impact on surrounding buildings and neighborhoods of the locations available and is the least visible position which still provides adequate transmission and reception; if there is no unobtrusive location for the structure, whether alternative methods of achieving transmission or reception are reasonably feasible; and

(3) Whether the proposed material and screening of the structure is adequate and appropriate to minimize the visual impact of the structure.

(E) *Noncomplying buildings and structures.* Any building or structure lawfully in existence on June 24, 1992 which does not comply with the provisions of this section 6-400, shall be categorized as a noncomplying structure subject to section 12-100; provided, however, that any building or structure in existence on June 24, 1992 and immediately prior to such date categorized as an illegal building or structure because of height, shall continue to be so categorized.

6-404 Additional regulations for the Potomac River Vicinity Height District.

(A) *Height limits.* The maximum height of any building or structure shall not exceed 30 feet above the average finished grade at the building or structure except buildings may be erected in excess of the above-mentioned height limit to a maximum of 50 feet above the average finished grade at the building, subject to the issuance of a special use permit pursuant to section 11-500 and section 6-404(B) and further subject to the issuance of a certificate of appropriateness pursuant to section 10-103 and section 6-404(C).

(B) *Additional requirements for special use permit.*

(1) In addition to submitting the information required pursuant to section 11-503(A), the applicant for a special use permit hereunder shall submit for approval as part of the special use permit application a conceptual development plan. Such conceptual development plan shall include:

(a) The information required for preliminary site plans by sections 11-406(C), (D) and (E) of this ordinance, excluding section 11-406(C)(9).

(b) Preliminary architectural renderings sufficient fairly to depict each facade of any proposed building or buildings.

(c) Such additional information as the director may require, or the applicant may desire to submit, in order to facilitate review of the application for a special use permit hereunder.

(2) Any special use permit granted hereunder shall run with the land and shall be binding upon the applicant, the owner, the occupants and their heirs, successors and assigns and all development on the subject parcel or parcels shall be in conformity with the conceptual development plan approved in connection with such special use permit.

(3) In addition to the provisions of section 11-504, the following standards and guidelines, to the extent relevant in each individual case, shall apply in considering an application for a special use permit for additional building height:

(a) The degree to which imaginative and creative architectural solutions advance recreational access to and enjoyment of the historic waterfront from public streets

and other public areas. Buildings should be in harmony with existing buildings of genuine architectural merit, to be found in the historic district.

(b) The degree to which the basic 30 feet height is maintained at the street faces and the waterfront face of the proposed building or buildings. To provide a transition, building heights over this basic height level should be set back from the street faces and waterfront faces.

(c) The degree to which the height, mass and bulk of the proposed construction are compatible with and reflect the traditional height, mass, and bulk of buildings and structures displayed within the streetscapes of the historic district.

(d) The degree to which imaginative and creative architectural solutions enhance views and vistas from public streets and other public-access areas along the historic waterfront. The waterfront faces of the buildings, in particular, should be designed and integrated so as to enhance pedestrian enjoyment of the waterfront, and the quality and character of the historic waterfront, as a totality, when viewed from passing vessels.

(e) The degree to which the use or uses of the proposed building or buildings are compatible with historical waterfront-related uses in the City of Alexandria.

(C) Additional Requirements for Certificate of Appropriateness. See special requirements of section 10-105(A)(4).

6-405 Additional regulations for the King Street Metro Station Height District.

(A) *Height limits.* The maximum height of any building or structure shall not exceed 77 feet above the average finished grade at the building.

(B) *Exception.* The maximum height may be increased by up to five feet in those buildings in which at least 30 feet of depth facing public streets is designed to accommodate predominantly retail uses. For buildings that front on more than one public street, retail shall be provided on the more prominent street frontage, as determined by the director. If, after making a good faith effort as determined using guidelines issued by the director, the building owner is unable to lease or sell that space for retail use, the director may authorize that space to be leased for nonretail use for a period not to exceed ten years, after which time subsequent leases may be authorized on the same conditions. For the purpose

of this section 6-405(B), retail uses shall include retail shopping establishments, restaurants, banks, financial investment and consulting offices, travel agencies, realty offices, personal service uses, educational uses, and any other commercial activity that involves a high degree of pedestrian activity, as determined by the director.

(Ord. No. 3689, § 1, 12-11-93; Ord. No. 3811, § 1, 6-27-95; Ord. No. 3923, § 5, 4-12-97; Ord. No. 4832, § 2, 10-19-13)

Sec. 6-500 Urban overlay district. (Old Town North)

6-501 *Purpose.* The urban overlay district is intended to supplement traditional zoning in the Old Town North area by imposing additional regulations designed to achieve a desirable, active urban environment which includes a substantial residential component.

6-502 *Application.* The urban overlay district shall apply to all land within the boundaries of the Old Town North Small Area Plan.

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:

Retail shopping establishment;

Personal service establishment (excluding contractor's office);

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

Convenience store;

Health and athletic club;

Animal care facility with no overnight accommodation;

Social service use;

Amusement enterprise;

Restaurant;

Hotel or multifamily lobby where use otherwise allowed (requires a special use permit).

(B) *Location and access to retail focus uses.* Required retail uses shall be located at ground level and shall provide street front, sidewalk access and entrances.

(C) *Conversion of retail focus space.* Retail focus space that remains vacant for a period of two years from the date a base building certificate of occupancy for such space is issued, despite demonstrable good faith efforts to lease or sell such space for such use, may thereafter be converted and occupied by any other use permitted in the underlying zone. Prior to the conversion of such space to another use, the owner shall apply for written permission therefor to the director who shall verify the length of vacancy and the good faith efforts of the owner to lease or sell the space for retail focus uses. The above allowed conversion shall not apply if an increase has been allowed pursuant to section 6-503(D).

(D) *Floor area ratio increase.* The floor area otherwise allowable on a site that contains a retail focus area may be increased by an amount equal to the amount of floor area required for retail focus uses, not to exceed an increase of .25 floor area ratio or a total of 2.5 floor area ratio on any site.

6-504 *Underground parking.* Where the underlying zone allows an increased floor area ratio with approval of a special use permit, an additional criteria for the special use permit will be the provision of underground or embedded parking in compliance with the following rules.

(A) *Underground or embedded parking required.* Not less than 90 percent of all parking shall be:

(1) In a parking structure which is below average finished grade, but which structure may include an above ground portion provided that no above ground portion (a) exceeds more than one half of the linear footage of the building along any blockface and is separated from the public sidewalk by usable space and/or by appropriate architectural treatment; or (b) extends more than three feet above sidewalk grade at any location; or

(2) In an above ground parking structure separated from the public sidewalk by usable space and by appropriate architectural treatment; or

(3) In a parking structure above average finished grade, provided that (a) such structure is located on a site totaling less than one third of the city block on which it is located; (b) such structure is screened from public view along the sidewalk frontage by usable space and/or appropriate architectural treatment and/or substantial plantings or other suitable screening; and (c) a special use permit for the structure is approved; or

(4) Any combination of sections 6-504(A)(1) and 6-504(A)(2) above.

For the purposes of this section 6-504, usable space is defined as any space used for a permitted or approved special use or an accessory, subordinate use to a permitted or approved special use, such as, without limitation, a display window.

(B) *Limited surface parking permitted.* The remaining ten percent of all parking may be surface parking. To the fullest practicable extent, such surface parking shall be well-screened from public view along the street frontage. Surface parking arrangements which include parking that is in public view along the street frontage will only be permitted where no other alternative, including reconfiguration of buildings, is feasible. Surface parking in a well-screened inner-courtyard arrangement or off an alley is the preferred design alternative.

(C) *Modifications.* A minor modification of any of the requirements set forth in this section 6-504 may be granted as part of the special use permit approval process where necessary and desirable to achieve development otherwise in the best interests of the neighborhood and in furtherance of the goals of the Old Town North Small Area Plan.

(D) *Ingress and egress.* Ingress and egress openings to such underground or embedded parking shall be reviewed in the site plan or special use permit process for appropriate features, including size, location, design and signage.

(E) *Exemption.* Underground or embedded parking shall not be required for residential townhouse development, for single or two-family dwellings, or on any lot of record on June 24, 1992 which is less than 10,000 square feet in size.

6-505 Urban design advisory committee.

(A) *Committee established.* There is hereby established an urban design advisory committee to assist the city in reviewing applications for development approval.

(B) *Authority.* The urban design advisory committee is authorized to review applications to the city for site plan approval and special use permits for compliance with the urban design guidelines for Old Town North when such guidelines are adopted by city council.

(C) *Membership.* The urban design advisory committee shall consist of five members to be appointed by city council for staggered terms of no more than two years each. The committee's members shall include two representatives of the business community of Old Town North, two residents representing the residential community of Old Town North, and one qualified professional skilled in urban design, architecture or landscape architecture.

(D) *Procedures.* The director and the director of transportation and environmental services shall coordinate the review of each application for site plan review or a special use permit by the urban design advisory committee with its own review of each such application. Such coordination shall include notifying the committee when a pre-application conference is scheduled or requested under this ordinance, including under section 11-407. Staff shall include the committee's comments and suggestions as part of the staff report on each application for consideration by the approving agency. Each applicant for site plan approval

or a special use permit will be encouraged to discuss its proposal with the urban design advisory committee, including prior to the time an application is filed.
(Ord. No. 5035, § 1, 6-28-16)

Sec. 6-600 Mount Vernon Avenue urban overlay zone.

6-601 *Purpose.* The Mount Vernon Avenue Urban Overlay Zone is intended to supplement traditional zoning for certain properties on Mount Vernon Avenue in order to achieve a mixed use, pedestrian oriented community that both supports economic activity and protects existing residential neighborhoods, and to provide for appropriately scaled infill development that is compatible with the character of Mount Vernon Avenue, the existing community and the Town of Potomac historic district. The provisions of this overlay zone therefore:

(A) Encourage certain uses, especially those ground floor uses that promote an active retail street;

(B) Provide more flexibility for some uses, by allowing administrative approvals subject to standards instead of a special use permit;

(C) Promote signage that creates a more attractive streetscape in keeping with the character of the street;

(D) Encourage the retention of contributing structures within the Town of Potomac historic district; and

(E) Encourage compatible development of infill and vacant sites by allowing the use of form based development in lieu of the traditional CL zoning approach, subject to standards and the principles of the Mount Vernon Avenue Business Area Plan.

6-602 *Application of overlay zone.*

(A) *Overlay zone.* The Mount Vernon Avenue urban overlay zone shall apply to all property with frontage on Mount Vernon Avenue between Nelson Avenue on the south and Commonwealth Avenue on the north, and shown in more detail on the "Mount Vernon Urban Overlay Zone Map, dated _____ (date of adoption)."

(B) *Retail focus area.* Within the Mount Vernon Avenue Urban Overlay Zone, a portion of the area is designated as a retail focus area, and is the subject of specific additional regulations. The retail focus area is generally consistent with the Town of Potomac historic district boundaries on Mount Vernon Avenue, and extends from Bellefonte Avenue on the south to Uhler Avenue on the north. The retail focus

area is shown in more detail on the map titled, "Mount Vernon Avenue Urban Overlay Zone Map, dated _____ (date of adoption)."

(C) The overlay zone requirements including the retail focus area provisions, parking provisions, sign provisions, form based development provisions, and administrative uses shall apply in addition to the requirements of the underlying CL zone. In the case of a conflict, the overlay zone shall prevail.

6-603 Uses.

(A) *Permitted and special use restrictions.* The following uses, otherwise allowed either as permitted or special uses in the CL zone, are not permitted in the overlay zone area:

(1) Seminary, convent or monastery;

(2) Medical laboratory;

(3) Public school;

(4) Funeral home;

(5) Rooming house;

(6) Check cashing business;

(7) Payday loan business;

(8) Pawnshop;

(9) Motor vehicle parking or storage, except that a public parking lot is allowed with a special use permit;

(10) Title loan business.

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

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

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

(1) Retail shopping establishment.

(2) Restaurant.

(3) Amusement enterprise, as limited in section (B)(1) above.

(4) Personal service establishment, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.

(5) Arts and crafts studios, which are facilities where arts and crafts products are created on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue is devoted to retail display and sales, then the use is not considered a personal service establishment.

(6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.

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

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

(1) Restaurants;

(2) Outdoor dining;

(3) Amusement enterprise, limited to live theater;

(4) Outdoor food and crafts markets;

(5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet;

(6) Outdoor display of retail goods;

(7) Massage establishment;

(8) Valet parking.

(E) *Accessory apartments.* The regulation for accessory apartments in section 4-108 is modified to allow residential uses on the upper floors of a building to apply to up to eight apartments.

(F) *Noncomplying uses.* Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, any use within the urban overlay zone that is legally existing on _____ (date of

ordinance adoption) and inconsistent with these provisions shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.

6-604 *Parking requirements.* The provisions of article VIII of this ordinance shall apply within the overlay zone the following additions and modifications:

(A) The requirements of sections 8-200(F)(1) and (2) regarding provision of parking as a result of a change of use, a significant enlargement or a significant alternation shall not apply if the use after the change, enlargement or alteration is a retail establishment.

(B) Reserved.

(C) Outdoor food and crafts markets shall have no parking requirement, and may, like other permitted temporary uses approved by the director, occupy areas with required parking spaces for their limited duration.

ation is requested. Each such deviation shall be specifically approved by city council as part of the form based development SUP. Any request for a deviation shall be clearly identified in the notice provision under section 11-300.

6-607 *Reserved.*

(Ord. No. 4399, § 5, 5-14-05; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 5, 6-22-10; Ord. No. 4712, § 3, 3-12-11; Ord. No. 5035, § 1, 6-28-16)

Sec. 6-700 KR/King Street urban retail zone.

6-701 *Purpose.* The King Street urban retail zone is intended to create strategic and flexible zoning for properties abutting King Street in Old Town in order to enhance the long term vitality of the street. The provisions of this zone therefore:

(A) Encourage retail and other active uses and discourage office and other non-active uses on the ground floor of buildings; and encourage full use of upper floors of buildings to provide continued activity and patrons for retail uses;

(B) Assure a balance of uses on the street by eliminating disincentives for residential uses, such as traditional yard and setback requirements, and lowering parking requirements and modifying FAR regulations so they are consistent for residential and commercial development;

(C) Allow more flexibility for some uses, by allowing administrative approvals subject to standards instead of by a special use permit; and

(D) Refine existing requirements for new development to ensure the construction of buildings that are compatible with surrounding ones and to require that the ground floor of new buildings is constructed so as to accommodate retail uses.

6-702 *Uses.* Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

Ground floor uses: Retail and other active uses are emphasized in the ground floor uses category. The ground floor uses category applies to uses to be located in the space within the first 50 feet of a building,

measured from the front building wall, and in a building that is set back no further than 30 feet from a front property and with a first floor of the building within four feet above the sidewalk grade.

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

(A) *Ground floor uses*

(1) *Permitted uses.*

(a) Animal care facility with no overnight accommodations;

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

(b) City sponsored farmers' market;

(c) Personal service establishment, with a frontage of less than 30 feet along King Street;

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

(e) Retail shopping establishment, 10,000 square feet or less in size;

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

(g) Accessory uses.

(2) *Special uses:*

(a) Amusement enterprise;

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

(c) Church;

(d) Convenience store;

(e) Health and athletic club;

(f) Hotel;

(g) Outdoor food and craft market;

(h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a

structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.

(i) Personal service establishment or building or hotel lobby, extending for more than 30 feet along King Street;

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

(j) Public building;

(k) Restaurant, other than pursuant to section 6-702(C);

(l) Retail shopping establishment, over 10,000 square feet in size.

(B) *Upper floor uses.*

(1) *Permitted uses:*

(a) Any use permitted as a ground floor use under section 6-702(A)(1);

(b) Multifamily dwelling units or accessory apartments;

(c) Business and professional office;

(c.1) Day care center;

(d) Medical office;

(e) Medical laboratory;

(f) Personal service establishment;

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

(g) Radio or television broadcasting office and studio.

(2) *Special uses:*

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

(b) Apartment hotel;

(c) Catering operation;

(d) Congregate housing;

(e) Reserved;

(f) Home for the elderly;

(g) Fraternal or private club;

(h) Medical care facility;

(i) Motor vehicle parking or storage;

(j) Newspaper office, including printing and publishing facilities;

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

(l) Rooming house;

(m) Social service use;

(n) Wholesale business.

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

(1) Valet parking;

(2) Massage establishment;

(3) Restaurant (ground floor only).

(D) *Noncomplying and nonconforming uses.*

(1) *Noncomplying uses.* Notwithstanding the language of section 12-301 regarding the definition of noncomplying uses, any use within the King Street urban retail zone that is legally existing on 6/21/05 (date of ordinance adoption) and inconsistent with the use provisions of this section 6-702, except for those uses listed under section 6-702(D)(2), shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in section 12-302 of this ordinance.

(2) *Nonconforming uses.* Any property which displays automobiles or other vehicles for the purpose of selling them as a business shall be deemed a nonconforming use and required to abate pursuant to section 12-214.

6-703 *Parking requirements for residential uses.* Notwithstanding any contrary provisions of this ordinance, for residential uses, other than multifamily dwellings, a minimum of one parking space is required for each dwelling unit.

6-704 *Accessory apartments.* A maximum of eight apartment dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such apart-

ment shall provide a minimum of one parking space for each dwelling unit, and the parking spaces may be compact size or tandem and parking may be located either on the site or within 500 feet of it.

6-705 Building and development requirements.

(A) *Frontage, lot and yard requirements.* There shall be no frontage, lot or yard requirements, except for the supplemental yard and setback provisions of section 7-1000 and the zone transition requirements of section 7-900.

(B) *Open space.* For residential uses, open space shall be provided in an amount equivalent to a minimum of 150 square feet per dwelling unit. The open space shall be composed of ground level space, and may also include space on balconies, terraces and rooftops. The ground level open space shall be a qualitatively significant component of the total open space. Open space shall be easily accessible and shall be proximate to dwellings.

(C) *Floor area ratio.*

(1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the following FAR limits apply:

(a) *Nonresidential.* For nonresidential uses, the FAR shall not exceed 1.5, except that up to an FAR of 2.5 may be approved with an SUP.

(b) *Residential.* For residential uses, the FAR shall not exceed 1.25, except that an FAR of up to 2.5 may be approved with an SUP.

(2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the following FAR limits apply:

(a) *Nonresidential.* For nonresidential uses, the FAR shall not exceed 2.0, except:

(1) An FAR of up to 3.0 may be approved with an SUP.

(2) The maximum permitted floor area ratio is 3.0 for a lot of record existing on June 24, 1992, that contains less than 15,000 square feet all or a portion of which is within 1,000 feet of the King Street Metro Station; provided however that this paragraph shall not apply to lots abutting King Street, nor to lots west of Daingerfield Road.

(b) *Residential.*

(1) For residential uses other than those specified by section 6-705(C)(2)(b)(2) below, the maximum permitted FAR is 1.25, not to exceed one dwelling unit for each 800 square feet of lot area or 54.45 units an acre.

(2) For residential uses located within 1,000 feet of a metrorail station the FAR shall not exceed 2.0, except that an FAR of up to 3.0 may be approved with a special use permit.

(c) *Transition special use permit.* For land within the boundaries of a project approved by a transition special use permit which was valid as of November 1, 1994 and is located within 1,000 square feet of a metrorail station, the maximum permitted floor area ratio is 3.0, without regard to lot lines, with a special use permit.

(D) *Height.*

(1) For properties east of South Peyton Street on the south side and east of Harvard Street on the north side of King Street, the maximum permitted height of a building is 50 feet.

(2) For properties west of South Peyton Street on the south side and west of Harvard Street on the north side of King Street, the maximum permitted height shall be consistent with the requirements of the King Street Metro Station Height district, section 6-405.

(E) *Building form.* New development for which a site plan is required shall comply with the following requirements.

(1) *Rear stepback.* The building shall be contained within a building envelope described by a 1.5 (run) to 1.0 (rise) sloping plane beginning at a point five feet above grade at the common rear property line, when the property abuts residential use.

(2) *Ground floor retail space.* In order to accommodate quality retail space, the ground floor of the building shall:

(a) Be built to a floor to floor height of no less than 14 feet; and

(b) Provide storefront or show windows along a minimum of 75 percent of the King Street frontage, except where preservation of an historic building would preclude meeting this criterion as determined by the BAR.

(F) *King Street retail strategy.*

(1) A special use permit for increased floor area ratio or height under this section 6-705 shall be reviewed, in addition to other pertinent issues, for compliance with the King Street retail strategy, as adopted as part of the master plan.

(2) The Storefront Guidelines of the King Street retail strategy shall be applied by the board of architectural review in considering exterior alterations on King Street, to the extent not inconsistent with BAR guidelines for redevelopment of building facades.

6-706 Reserved.

Editor's note—Ord. No. 4573, § 1, adopted Dec. 13, 2008, repealed section 6-706, standards and procedures for administrative approvals, in its entirety.

6-707 Use limitations.

(A) All operations, except those administrative uses enumerated in section 6-702(C)(1) shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

(D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.

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

(Ord. No. 4413, § 2, 6-21-05; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4677, § 5, 6-22-10; Ord. No. 4910, § 3, 11-15-14; Ord. No. 4948, § 3, 5-15-15; Ord. No. 5035, § 1, 6-28-16)

Sec. 6-800 King Street outdoor dining overlay zone.

6-801 *Purpose.* The King Street Outdoor Dining Overlay Zone is intended to facilitate outdoor dining in Old Town in order to create an active street scape, enhance the economic and social vitality of King Street, and promote pedestrian and retail friendly activity; to allow for the use of the public right of way for such outdoor dining; and to expedite the approval of such facilities while ensuring that the public's use of the sidewalks will not be significantly impaired by such dining, and that adjacent commercial and residential uses will be protected from any adverse impacts from such dining.

6-802 *Application of overlay zone.* The King Street Outdoor Dining Overlay Zone includes the King Street corridor, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting

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therewith, north to Cameron Street and south to Prince Street, as shown on the map entitled, "King Street Outdoor Dining Overlay Zone," dated June 21, 2005.

6-803 *Administrative permit availability.* The requirements of obtaining approval of a special use permit under Section 11-500 of this ordinance and of obtaining approval of an individual encroachment ordinance under Section 5-2-29 of the City Code otherwise applicable, shall not apply to outdoor dining facilities that meet the requirements of this Section 6-800 and for which an administrative permit is approved pursuant to this section.

6-804 *Administrative permit process.*

A. An applicant for an outdoor dining permit shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose.

B. The application shall include a plan with dimensions showing the layout for the outdoor dining area which accurately depicts the existing sidewalk conditions, including sidewalk width from building face to curb; location and dimensions of tree wells; locations of lamp posts, traffic and parking signs, signal poles, trash receptacles, benches, and other sidewalk features or obstructions, as well as design, location, size and space of the dining area, chairs, tables, barriers, umbrellas and other facilities to be located within the outdoor dining area, and such additional information as the director may reasonably require.

C. The director shall review the application to determine if the proposed dining establishment, and any encroachment into the public right-of-way, will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street Corridor, and that there is adequate space remaining within the public right-of-way to facilitate safe circulation of pedestrian traffic.

D. The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be posted at the restaurant premises, and visible to customers and the public.

E. No material change to the approved plan shall be made without prior written approval by the director.

F. The outdoor dining permit shall be valid only between April 1 and March 31 of the following calendar year, subject to Section 6-805(O)(5), and shall be renewed on an annual basis. A permit fee, established pursuant to Section 11-104 of this ordinance, and based on the gross square feet of outdoor dining area, plus a minimum processing fee, shall be assessed annually.

6-805 Standards for outdoor dining.

A. The outside dining area is to be attractive, and promote pedestrian and retail friendly vitality in the King Street Corridor.

B. The outside dining area shall be located adjacent to the property of an existing and lawfully operating restaurant and shall be under the responsible direction and control of the restaurant. It may be located adjacent to the building or near the curb but shall be contained within the location delineated by the permit.

C. If the outdoor dining area is in a location on the property that is not in the sidewalk area in front or on the side of the restaurant, it shall be reviewed to determine whether its location supports the purpose of the zone to create an active street scape and to protect residential areas from adverse impacts.

D. The total number of seats (both indoor and outdoors) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats, and the number of seats permitted is dependent on the amount of space available and on building and fire code requirements. Any increase in number of seats for outdoor dining in the public sidewalk approved under this section shall not be deemed by the director to constitute an intensification of use.

E. The outdoor dining area may be open to patrons from 6:00 a.m. to 11:00 p.m. daily.

F. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:

(1) At least five feet, or such additional space as the director deems necessary, of unobstructed corridor space must be maintained past the outside dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian passageway along the sidewalk. In locations where the sidewalk provides additional width or where there are fewer obstructions, the director may require more than five feet. In order to achieve a continuous pedestrian walkway, the pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the dining area. The director may require additional measures that contribute to maintaining a straight and unobstructed pedestrian passageway along the entire block face.

(2) A space at least 44 inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.

(3) Outdoor dining areas located near the sidewalk curb must leave at least two feet of unobstructed sidewalk depth between the curb and the outer dimension of the outdoor dining area.

(4) An unobstructed clearance of five feet must be maintained between a fire hydrant and any furniture or fixtures related to outdoor dining.

G. The outside dining area must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter. The restaurant must participate in an approved rodent control program.

H. No food preparation is permitted in the outside dining area.

I. Tents or awnings are not permitted without obtaining a separate building permit. Table umbrellas are permitted if they do not have signs or advertisements on them, if the umbrellas are completely contained within the outdoor dining area, even when fully extended, and if the lowest dimension of the umbrella maintains a minimum vertical clearance of six feet, eight inches above the sidewalk to allow for patron and server circulation.

J. No signs are permitted in the outside dining area except those signs that have a valid City permit.

K. Loudspeakers outside are prohibited, and amplified sounds from inside the restaurant must not be audible in any outside dining area on the public right-of-way.

L. Any door leading into a restaurant may not be positioned to remain open or otherwise supported in an open position.

M. The restaurant must comply with all applicable City, state and federal laws and regulations.

N. In order to serve alcoholic beverages, an application must be approved by the Virginia Department of Alcoholic Beverage Control (ABC), and it will require the following:

(1) The dining area must have a sturdy enclosure.

(2) There must be only one well defined entrance to the outdoor dining area and it must be located directly in front of the egress doors.

(3) Customers are not permitted to carry their own alcohol to the outdoor dining area.

(4) The dining area must have adequate illumination during evening hours.

O. The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:

(1) All improvements (furniture and fixtures) used in an outdoor dining area on the public right-of-way must be readily removable without damage to the surface of the right-of-way.

(2) An outdoor dining area within the public right-of-way shall be contained by sturdy barriers in conformity with City standards.

(3) There shall be no penetration of the public sidewalk surfaces, except that the City will, following issuance of the permit, mark the corners of the approved outdoor dining area with conspicuous markers.

(4) The design of the area shall comply with any Board of Architectural Review approved design guidelines. The Board's guidelines shall provide reasonably objective guidance as to acceptable colors.

(5) Furniture and enclosures may not be stored on the public right-of-way for extended periods, and must be removed from the right-of-way daily when the restaurant is closed to the public, in accordance with Section 6-805(E), between the Monday before Thanksgiving and March 31 of the following calendar year.

(6) Tall tables and tall seating for tables shall not be permitted in the public right-of-way. As used in this Section 6-805, a "tall table" is defined as any table with a table-top surface higher than 32 inches above the ground, and "tall seating" is defined as chairs, seats, stools or benches designed or intended for use with tall tables

P. The director shall, on a case-by-case basis, require adjustments to the layout, dimensions, or distance from the property line of any outdoor dining area in order to ensure pedestrian visibility of the ground floor of buildings that adjoin those with outdoor dining areas.

Q. The applicant shall comply with such additional reasonable terms as the director may include in the permit.

R. The restaurant operator shall not permit smoking in outdoor dining areas located in the public right-of-way.

6-806 *Additional encroachment requirements.* An outdoor dining area located within the public right-of-way shall also comply with the following specific requirements for encroachments:

A. Any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reason-

able limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

B. By accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant 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.

C. The authorization granted by a permit approved under this [Section] 6-800 to establish and maintain the encroachment is not intended to constitute, and shall not 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.

D. Neither the City of Alexandria nor any public utility company shall be responsible for damage to 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.

E. The authorization granted by a permit approved under this section 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 the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the City. If the restaurant 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 the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.

F. No fees or charges imposed pursuant to Sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this Section 6-800, but the fee established pursuant to Section 6-804(F) shall be applicable.

6-807 *Section controlling.* In order to establish a uniform set of regulations for outdoor dining in the public right-of-way, the provisions of this Section 6-800

shall supercede and preempt conflicting provisions applicable in the public right-of-way, which are included in any encroachment ordinance, special use permit or administrative permit approved prior to June 26, 2007; provided, however, that nothing in this Section 6-807 shall be deemed to reduce the approved number of seats, or to require the removal of any approved barrier permanently fixed or attached to the right-of-way, authorized by any such ordinance or permit.

(Ord. No. 4414, § 2, 6-21-05; Ord. No. 4494, § 1, 6-26-07; Ord. No. 4521, § 1, 3-15-08)

ARTICLE VII. SUPPLEMENTAL ZONE REGULATIONS

Sec. 7-100 Accessory uses and structures.
Sec. 7-200 Permitted structures in required yards.
Sec. 7-300 Home occupations.
Sec. 7-400 Bed and breakfast accommodations.
Sec. 7-500 Child and elder care homes.
Sec. 7-600 Hospitals in residential zones.
Sec. 7-700 Allowance for increases in floor area ratio, density and height and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.
Sec. 7-800 Vision clearance.
Sec. 7-900 Provisions applying at lines of zone change.
Sec. 7-1000 Supplemental yard, setback and frontage.
Sec. 7-1100 Parking trailers and recreational vehicles.
Sec. 7-1200 Utilities.
Sec. 7-1300 Mobile food vendors in residential zones.
Sec. 7-1400 Rooming houses.
Sec. 7-1500 Outdoor display, sale or storage of goods or merchandise.
Sec. 7-1600 Townhouses.
Sec. 7-1700 Fences on corner lots.
Sec. 7-1800 Installation of ATM and similar machines on the exterior of buildings in the Historic Districts.
Sec. 7-1900 Roominghouses.
Sec. 7-2000 Day labor agencies.
Sec. 7-2100 Increased density and height for public elementary and secondary schools.
Sec. 7-2200 Smoke-free restaurants required.
Sec. 7-2300 Increased density for private schools, academic.
Sec. 7-2400 Outdoor display of rental bicycles.
Sec. 7-2500 Infill regulations for single- and two-family residential zones.

Sec. 7-100 Accessory uses and structures.

Accessory uses and structures are permitted, but only in connection with and incidental to a permitted principal use or structure and in compliance with the restrictions of this section 7-100.

7-101 *Permitted accessory uses.* Permitted accessory uses and structures shall be limited to the following and any additional use or structure which the director finds is similar to those listed in scope, size and impact, is customarily associated with residential dwellings, and is otherwise in compliance with this ordinance:

(A) Private garage;

(B) Private greenhouse;

(C) Private tennis or outdoor recreational court;

(D) Above ground deck;

(E) Private swimming pool;

(F) Storage structure;

(G) Freestanding air conditioning machinery;

(H) Fence or wall;

(I) Guest house, accessory to a single-family dwelling, provided it is used by temporary guests or occupants of the main residence, contains no kitchen facilities and is not rented or otherwise used as a separate dwelling;

(J) Gazebo or treehouse;

(K) Home occupation, subject to Section 7-300;

(L) Child or elder care home, subject to Section 7-500.

7-102 *Prohibited accessory uses.* Prohibited uses accessory to residential dwellings include, but are not limited to:

Outdoor storage; provided that a reasonable amount of cut fire wood for personal use and building materials on a temporary basis for use on site may be stored on a residential lot.

7-103 *Use limitations.* The following limitations apply to accessory uses and structures:

(A) No accessory use or structure shall be located forward of the front building line, except as provided in section 7-202(A).

(B) No accessory use or structure shall be located in a required rear or side yard, except as provided in section 7-202.

(C) Accessory structures shall be included in the calculations required by this ordinance for the purpose of complying with height and bulk regulations.

(D) An accessory use or structure shall be located on the same lot as the principal structure or use served, except where it is located on an adjoining lot which contains no principal building and which is adjacent to and in common ownership with the lot on which the principal building which it does serve is located or as otherwise expressly authorized by the provisions of this ordinance.

Sec. 7-200 Permitted structures in required yards.

7-201 *General prohibition.* Every part of a required yard shall be open and unobstructed from the lowest point to the sky except as may be permitted in section 7-202.

7-202 *Permitted obstructions.* The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(A) In all yards:

(1) Open fences which do not exceed three and one-half feet in height.

(2) Awnings or canopies provided they do not project more than five feet in depth from the existing building face.

(3) Bay or display windows, projecting 20 inches or less into the yard and gutters, eaves, cornices or window sills projecting 12 inches or less into the yard.

(4) Chimneys projecting 30 inches or less into the yard, provided that such projection does not reduce the width of the remaining side or rear yard to less than five feet.

(5) Arbors and trellises.

(6) Flag poles which do not exceed 15 feet in height.

(7) Open stairs, provided that the stairs do not reduce a side or rear yard to less than five feet.

(8) Ramps and similar structures necessary to provide access for the handicapped.

(9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.

(B) In any yard except a front yard:

(1) Sandboxes, swings and other small items of children's play equipment.

(2) Clotheslines.

(3) Open and closed fences which do not exceed six feet in height.

(4) Small sheds, doghouses, dollhouses and structures used for storage, provided:

(a) On land zoned R-20, R-12, R-8, R-5 or R-2-5 and used for single-family dwellings, such structures may not exceed 80 square feet in floor area in the aggregate and eight feet in height when measured at the structure's highest point.

(b) On land zoned and used for semi-detached or townhouse dwellings, such structures may only be placed in the rear yard at the rear property line, may not exceed 50 square feet of floor area in the aggregate and seven feet in height when measured at the structure's highest point.

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

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

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

(C) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and 7-202(B)(3) may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.

(D) In any residential zone a ground level covered open front porch is permitted to project a maximum of eight feet from the front building wall into the required front yard, or primary front yard if a corner lot, of a single-family, semi-detached, duplex or townhouse dwelling; provided that a special exception under section 11-1302 of this ordinance is approved.
(Ord. No. 3606, § 10, 12-12-92; Ord. No. 3697, § 4, 1-22-94; Ord. No. 3822, § 3, 9-16-95; Ord. No. 3923, § 6, 4-12-97; Ord. No. 4483, § 2, 5-12-07; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4910, § 4, 11-15-14)

Sec. 7-300 Home occupations.

Home occupations are permitted in residential dwellings subject to the following limitations.

7-301 *Permitted occupations.* Home occupations which have the general character of the following uses are permitted:

(A) Dressmaker, seamstress and tailor;

(B) Teacher;

(C) Artist, photographer, sculptor;

(D) Author, composer, editor, translator, writer;

(E) Home crafts, such as model making, rug weaving, lapidary work, macrame, cabinet making, and weaving;

(F) Office of an ordained minister of religion;

(G) Office of an accountant, architect, bookkeeper, clerical service, computer programmer, consultant, dentist, arts and crafts instructor, lawyer, land surveyor, landscape architect, musician, physician, engineer, realtor, insurance agent or broker;

(H) Office of a salesman, sales representative or manufacturers representative;

(I) Repair services for such items as musical instruments, watches, clocks, small household appliances, toys or models, and similar devices;

(J) Contractor or service business, provided that all requirements of this section 7-300 are met as well as the following additional requirements:

(1) No employees, other than persons legally residing on the premises, shall report to work at a residential location other than a job site.

(2) Not more than one commercial vehicle having a capacity not greater than one ton shall be parked on the property and then only in accordance with applicable regulations of this ordinance.

(3) No contracting equipment or materials shall be stored on the premises, except in a commercial vehicle used for transporting said equipment and materials between jobs, and no loading or unloading shall be done on or in the vicinity of the premises.

7-302 *Prohibited occupations.* Prohibited home occupations include but are not limited to the following:

(A) Antique shop;

(B) Barber shop or beauty salon;

(C) Funeral home with or without chapel;

(D) Gift shop;

(E) Kennel or other boarding of animals;

(F) Medical or dental clinic, hospital, nursing home;

(G) Motor vehicle repair or sales;

(H) Nursery school;

(I) Repair or testing of internal combustion engine;

(J) Restaurant;

(K) Veterinary clinic or animal hospital.

7-303 *Use limitations.* Each home occupation shall be subject to the following use limitations each of which shall be applied equally and no one of which shall be interpreted as relaxing another:

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

(B) No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or medical office.

(C) No outside display of goods or outside storage of equipment or materials used in the home occupation shall be permitted.

(D) There shall be no customers or clients permitted except in the case of instruction to students in which case the number of students shall be limited to a total of 12 per day with no more than two students present at any one time.

(E) No sign shall advertise the presence or conduct of the home occupation.

(F) All parking required for the home occupation shall be accommodated in permissible driveway and garage areas on the lot.

(G) There shall be no evidence that will indicate from the exterior of the premises that the building is being utilized in whole or in part for any purpose other than as a dwelling.

(H) There shall be no audible noise, detectable vibration or odor beyond the confines of the subject dwelling unit or accessory building, including transmittal through vertical or horizontal party walls.

(I) The total floor area which may be used for a home occupation shall not exceed 25 percent of the total floor area of the dwelling unit in which it is located, less any attached garages. As part of such home occupation floor area, no more than two percent of the total floor area of the dwelling unit or a maximum of 20 cubic feet, whichever is less, shall be used for storage of stock-in-trade. The storage of hazardous materials not otherwise and customarily associated with home use is prohibited.

(J) The lot or property on which the home occupation is conducted shall not have any parking space added to it during the time the home occupation is being conducted; nor shall any parking space be used that was not customarily used prior to that time.

7-304 *Home address for purpose of business license.* Notwithstanding any provision or limitation of this section 7-300, a residential address may be used for the purpose of obtaining a business license, provided that a business license is actually obtained and kept current, business taxes are paid and the residential premises are used only for residential purposes unless the business is permitted as a home occupation pursuant to this section 7-300 and its limitations.

Sec. 7-400 Bed and breakfast accommodations.

Bed and breakfast accommodations shall be subject to the following minimum requirements:

(A) The owner of the premises shall reside in and manage the establishment.

(B) The establishment shall contain no restaurant and shall provide no regular meal service other than breakfast for resident guests.

(C) The establishment shall be registered with the city and comply with all requirements of the city and state codes.

(D) Each establishment shall maintain an accurate record of each individual guest and the duration of his stay. Such records may be requested and reviewed by the city upon notice.

Sec. 7-500 Child and elder care homes.

Child and elder care homes are permitted subject to the following limitations:

(A) *Requirements for child and elder care homes for one to five persons.* A child or elder care home for one to five persons is allowed as a permitted use in the zones in which it is listed and must comply with the following:

(1) All homes shall be registered with the city pursuant to title 12 of the city code;

(2) When calculating the total number of children cared for, resident children under the age of 12 shall be included. When calculating the total number of adults, all resident adults shall be included.

(3) The home shall be the principal residence of the operator of the home;

(4) The home shall comply with all requirements of the city and state codes.

(Ord. No. 5035, § 1, 6-28-16)

Sec. 7-600 Hospitals in residential zones.

7-601 *New hospitals not permitted.* It is the intent of this ordinance that no new hospital be allowed to locate in any residential zone and that hospitals legally existing in residential zones on June 24, 1992 be allowed to continue as legal uses and structures, but subject to the strict terms and conditions of the existing special use permit(s) governing their use and provided that no change in that permit(s) be allowed except, at a minimum, upon findings made by the city council as follows:

(A) That the proposed hospital use is compatible with the development allowed under the basic provisions of this ordinance for the area in which it is proposed and it is not of such a nature in height, bulk or scale as to exercise any influence contrary to the purpose and intent of this ordinance.

(B) That the proposed hospital use is compatible with and/or implements planning goals and objectives of the city, as contained in the master plan, applicable small area plan, and other pertinent policy resolutions, particularly in terms of:

(1) Land use policy;

(2) Housing goals;

(3) Traffic impact and parking;

(4) Impact on schools, public services and facilities;

(5) Essential character of the neighborhood; and

(6) Any neighborhood planning goals contained in the applicable small area plan or consolidated master plan of the city.

(C) That the proposed use of any office or examining rooms within the hospital by a physician for treatment of his or her private patients is required because such practice or treatment is not feasible outside the hospital.

(D) That the existing or proposed utility services are adequate for the proposed hospital use.

7-602 *Change from hospital use to nursing home.* That a change in the use of an existing hospital to a nursing or convalescent home may be considered pursuant to a special use permit, but only if, at a minimum, those limitations and conditions of the hospital special use permit(s) which are applicable to the new use be agreed to by the applicant as part of the new special use permit, including without limitation maintenance of open space easements and size, intensity and expansion restrictions.

Sec. 7-700 Allowance for increases in floor area ratio, density and height and reductions in required off-street parking as incentive for provision of low- and moderate-income housing.

7-701 *Definitions.* For the purposes of this section 7-700, low- and moderate-income housing units shall be determined in accordance with regulations

which are issued by the city manager and approved by the city council and which reflect the following guidelines.

(A) Low- and moderate-income rental units are rental units for which the combined cost of rent and utilities does not exceed 30 percent of the maximum income limits used by the United Sates Department of Housing and Urban Development for its section 8 and Housing Voucher programs, as adjusted for family size and corresponding number of bedrooms, and which are occupied by persons or households whose gross income does not exceed the limits applicable to the section 8 program.

(B) Low- and moderate-income sales units are units with sales prices for which a person or household whose gross annual income is at or below the median income for the Washington, D.C., Metropolitan Statistical Area, adjusted for family size, could qualify using the lending criteria applied by the Virginia Housing Development Authority in its single-family mortgage assistance program and which are occupied by persons or households whose gross annual income is at or below such median income level.

7-702 *When increases and reductions may be allowed.* Increases in allowable floor area ratio, density and height and reductions in required off-street parking may be allowed for a building which contains one or more dwelling units or a project which includes one or more such buildings through a special use permit when:

(A) The applicant for the special use permit commits to providing low and moderate income sales or rental housing units in conjunction with the building or project which is the subject of the permit application in compliance with the following:

1. Number of units required: The number of units required shall be equivalent to at least one-third (1/3) of the increase achieved by the bonus approved under this section 7-700. Equivalency can be established with a different number of units if the size (square footage or number of bedrooms) of the units provided achieves an equivalent contribution as determined by the director of housing and approved with this SUP.

2. Location of units: The units may be provided within the building or project which is the subject of the permit application, or with the consent of the applicant and the

director of housing and the director of planning and zoning and approval of this special use permit, the units may be provided:

i. at an off-site location provided that:

1. a specific plan for the off-site location is approved with this SUP;

2. the off-site location meets all zoning requirements to include the units; and

3. the total contribution value of the off-site units is equivalent to the total contribution value of what would have been provided on site; or

ii. by a cash contribution to the City of Alexandria Housing Trust Fund in an amount equivalent to the value of the units that would have been provided on-site, or

iii. A combination of i and ii above if the total contribution is equal to the value of the units that would have been provided on site.

(B) The applicant for the special use permit agrees and provides sufficient assurance, by way of contract, deed or other recorded instrument acceptable to the city attorney, that the low-and/or moderate-income housing units to be provided will remain in these categories for the period of time specified in the special use permit.

(C) City council determines that the building or project which is subject to the special use permit, with the increase in allowable floor area ratio, density and height and the reduction in required off-street parking, meets the standards for the issuance of a special use permit set forth in section 11-500.

7-703 Limits on increases which may be allowed.

(A) Floor area ratio and density may not be increased pursuant to this section 7-700 by more than 20 percent of the floor area ratio and density otherwise permitted by this ordinance, unless a greater percentage increase is specifically designated in a small area plan chapter of the Master Plan. The increase permitted under this section 7-700 is exclusive of any other floor area ratio and density increases allowable under any other section of this ordinance.

(B) Height may not be increased pursuant to this section by more than 25 feet beyond the height otherwise permitted by this

ordinance; provided, however, that no building located in any zone or height district where the maximum allowable height is 50 feet or less may be allowed to exceed such height limits.

(Ord. No. 4858, § 1, 2-22-14)

Sec. 7-800 Vision clearance.

7-801 *Vision clearance required.* For the purposes of safety of travel on streets and highways, buildings on corner lots shall observe the setback provisions of the respective streets on which the building is located; provided, that within the area enclosed by the centerline of the intersecting streets and a line joining points on such centerlines at distances from their intersections as prescribed below, there shall be no structure, fences, shrubbery or other obstruction to vision more than three and one-half feet above the curb level.

(A) All residential zones and the CL, CC and CSL zones: 100 feet.

(B) All commercial, office, industrial and mixed use zones: 75 feet.

7-802 *Board of architectural review waiver.* The requirements of this section 7-800 may be waived by the Old and Historic Alexandria or Parker-Gray District board of architectural review where to do so would be consistent with the historic character of the district. In the case of such a waiver and where necessitated thereby the Old and Historic Alexandria or Parker-Gray District board of architectural review may also waive any applicable yard or setback requirement.

Sec. 7-900 Provisions applying at lines of zone change.

7-901 *Purpose.* It is the intent of these regulations to provide for increased setback requirements where commercial or industrial buildings are proximate to residential zones in order that property in the residential zone shall not be adversely affected.

7-902 *Setback requirements.*

(A) *Side and rear yards.* No commercial building shall be located within a distance from the nearest residential zone line equal to

the height of such commercial building or 25 feet, whichever is greater.

(1) For the purpose of construing this section 7-902, a commercial building shall mean a building containing retail, office, business or industrial uses regardless of the zone in which the building is located.

(2) For the purpose of construing this section 7-902, the location of alleys, walkways and other separations of zone or lot lines shall not affect the distance requirements of section 7-902.

(3) Where a building would otherwise be affected by this section 7-902, and the commercial uses it contains are limited to the first or a lower floor, then a special use permit may be approved to allow the side and rear yard setback regulations of the adjacent residential zone which is to be protected to apply to such commercial building.

(4) An applicant who seeks to rezone land from a commercial to a residential zone, thereby imposing this section 7-902 on an existing or future commercial building not otherwise so affected, may proffer a partial or total waiver of this section 7-902 and city council may approve such a rezoning if it is conditioned on the application of such waiver as may be appropriate. If the affected commercial lot is less than 100 feet in width, the rezoning shall be denied if no such proffer is made.

(B) *Front yards.* Where property in a commercial or industrial zone is directly across a street from property in a residential zone, the front yard setback shall be the front yard setback required of the residential zone.

(C) *Industrial.* No building or structure in the industrial zone shall be permitted within 100 feet of a residential zone line.

7-903 *Relief from requirements.* The planning commission may vary the requirements of this section 7-900 as part of the site plan process, notwithstanding that a site plan is not otherwise required for the proposed development. In the event that application is made for site plan approval exclusively to secure relief from the provisions of this section 7-900, then notwithstanding any contrary provision of section 11-400, the required site plan application material shall be limited to that reasonably necessary to enable review under this section 7-900, and the fee shall be the minimum site plan fee as prescribed pursuant to section 11-104.

Sec. 7-1000 Supplemental yard, setback and frontage requirements.

7-1001 *Setbacks for garages.* One private garage may be erected within one foot of the front lot line when the floor of such garage is not lower than the established curb grade and the roof of such garage is entirely below the surface of the finished yard. Private detached garages erected above the finished grade after June 28, 1973, shall comply with the yard requirements of their respective zones.

7-1002 *Reserved.*

7-1003 *Rear yards abutting alleys.* Whenever any public or private alley occurs in any zone, one-half of the width of such alley shall be considered in the determination of the rear yard setback ratio requirement of any lot abutting on such alley.

7-1004 *Bus shelters.* The front yard requirements of this ordinance shall not apply to bus shelters for which a special use permit has been granted.

7-1005 *Parking in required yards.* Front, side and rear yards shall be deemed to be in compliance with this ordinance provided that not more than 50 percent of such front, side or rear yard is used for parking of automobiles, including driveways whether paved or unpaved.

7-1006 *Additional setback required.* Wherever the right-of-way widths or building setback lines provided in this section 7-1006 require a greater setback than the front yard or setback requirements found elsewhere in this ordinance, the requirements of these provisions shall govern. It is the intent of the following setback provisions to provide sufficient area for use as sidewalks and highway right-of-way and in order to provide for a consistent building line along certain streets.

(A) The setback line of each side of Mount Vernon Avenue from Braddock Road north to the corporate limits shall be at least ten feet from the front lot line in every case.

(B) The building setback line on both sides of Duke Street from Diagonal Road to Quaker Lane shall be at least 60 feet from the existing centerline of Duke Street, and from Quaker Lane west to the corporate limits, such setback line shall be at least 75 feet from the existing centerline of Duke Street.

(C) The building setback line on King Street (Leesburg Pike) from Braddock Road northwest to the corporate limits shall be at least 75 feet from the existing centerline of King Street (Leesburg Pike).

(D) The building setback line on Seminary Road from Quaker Lane west to the corporate limits shall be at least 60 feet from the existing centerline of Seminary Road.

(E) The building setback line on Beauregard Street from the west corporate limits to the north corporate limits shall be at least 80 feet from the centerline of Beauregard Street.

(F) The building setback line on South Pickett Street shall be at least 50 feet from the centerline of the street.

(G) The term "existing centerline," as used in this section, shall mean the centerline of the public right-of-way as established by maps, plats and plans on file in the office of the director of transportation and environmental services on March 1, 1960, and more particularly in the case of Duke Street from Roberts Lane west to the corporate limits, the term refers to the centerline as shown on road plans denominated Virginia State Highway Department Plan Number 236, Project Number 368-1AR:1; Virginia State Highway Department Plan Number 236; Project Numbers 113-AW-4, 113-AW-3, 113-AW-2; Virginia State Highway Department Plan Number 236, Project Number 113-AW-6.

7-1007 *Land without frontage.* Whenever a unit of land otherwise usable as a building site does not have frontage on a public street, it shall be deemed to meet the street frontage requirements if a special use permit is granted. (Ord. No. 4457, § 1, 6-27-06; Ord. No. 4472, § 1, 1-20-07; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4653, § 1, 4-17-10)

Editor's note—It should be noted that § 1 of Ord. No. 4514, adopted January 12, 2008, provides, "That the sunset date set forth in Section 4 of Ordinance No. 4457, be, and the same hereby is, extended from December 31, 2007 until December 31, 2008."

Sec. 7-1100 Parking trailers and recreational vehicles.

7-1101 *Restrictions on parking trailers in any zone.* The parking of a trailer in any zone is hereby prohibited with the following exceptions:

(A) One trailer may be parked or stored in a lawful, enclosed garage, provided that no living quarters or business premises shall be maintained in such trailer.

(B) Trailers used as contractors' offices or equipment sheds may be parked on the site of an active construction project for the duration of construction authorized by an approved building permit.

(C) Trailers used for temporary nonresidential purposes such as classrooms, banks, offices, or similar activities may be parked on a lot provided approval of a special use permit has first been obtained, except that a special use permit for trailers used for school related activities in any zone where public schools are a permitted use and in conjunction with an ACPS school may be approved administratively subject to section 11-513 of this ordinance.

7-1102 *Restrictions on parking recreational vehicles in residential zones.* Recreational vehicles may be parked in any residential zone only on a lot occupied and used for single, two-family or townhouse dwelling purposes and only subject to the following:

(A) The total length of any such recreational vehicle shall not exceed 25 feet in the R-8, R-12 and R-20 residential zones and 20 feet in all other residential zones;

(B) Not more than one recreational vehicle shall be permitted for each single-family dwelling, except that any number of such recreational vehicles may be permitted if parked within an approved, enclosed garage or storage building; and

(C) Any such recreational vehicle shall be unoccupied and parked behind the front building line or within an approved, enclosed garage or storage building.
(Ord. No. 5034, § 1, 6-28-16)

Sec. 7-1200 Utilities.

7-1201 *Permitted utilities.* The following utilities are permitted in any zone in the city: the erection, construction, alteration or maintenance by public utilities, public service corporations, municipal departments, public commissions or public authorities of underground gas, steam, water or sewage supply, collection or disposal systems and underground or overhead electric, communication, telephone or cable transmission or distribution systems, including poles, wires, lines, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, traffic signals, hydrants, freestanding pad mounted transformers and electric switches, and other similar equipment and accessories in connection therewith reasonably necessary for the furnishing of adequate services by such utilities, corporations, departments, commissions or authorities, or for the public health, safety or general welfare; provided, that such freestanding pad mounted transformers and electric switches have been approved after public hearing by site plan, special use permit or certificate of appropriateness or as part of the

city's capital improvement program, or have been approved either by both the director of transportation and environmental services and the director of planning and zoning, in accordance with guidelines established by the directors and approved by city council, after affording informal notice and opportunity to comment to affected parties or by city council, after public hearing, on an appeal from disapproval by one or both directors.

7-1202 *Special use utilities.* The following utility uses are permitted by public utilities, public service corporations, municipal departments, public commissions or public authorities only with a special use permit:

(A) Tanks, towers, standpipes or other facilities for storing water, sewage or other liquids or gases, electric power substations, telephone exchange buildings and structures, and pumping stations;

(B) Overhead transmission, distribution or communication wires, lines, cables or facilities for the transmission of telecommunication suspended, mounted or carried by poles, towers or other structures which:

(1) Exceed 65 feet in height;

(2) Have one or more arms, cross arms or similar apparatus which would extend out more than six feet from the side thereof;

(3) Have a diameter in excess of three feet if it is a pole-like structure; or

(4) Exceed four square feet in area at any cross section, or have a side exceeding two feet in width if it is a tower or other type structure.

7-1203 *Uses not considered utilities.* The following are not included in the above-named lists of uses: buildings, offices, motor vehicles, bus or car barns, garages, shops, railroad yards or siding, freight terminals, warehouses, service or storage yards or facilities or any use separately listed in a zone.

7-1204 *Compliance with other regulations.* Notwithstanding anything to the contrary in this section 7-1200, all development shall comply with chapter 3, title 5, of the city code pertaining to underground utilities.
(Ord. No. 3653, §§ 1, 2, 6-22-93; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3844, § 1, 2-24-96)

Sec. 7-1300 Mobile food vendors in residential zones.

The operation of mobile food vendors is permitted, under the following conditions, on properties zoned for residential use:

(A) The property is under development or redevelopment;

(B) The vendor is operating on the property for the purpose of serving persons associated with its development or redevelopment; and

(C) The vendor is on the property for no more than two periods of twenty minutes or less in any day.

Sec. 7-1400 Rooming houses.

No special use permit authorizing a rooming house shall continue in effect for more than five years.

Sec. 7-1500 Outdoor display, sale or storage of goods or merchandise.

(A) Except as specifically permitted in this ordinance, the outdoor display, sale or storage of goods or merchandise is prohibited on all public rights-of-way and pedestrian circulation facilities, on all private streets, pedestrian circulation facilities, alleys, roadways and driveways, and in all off-street parking and loading areas.

(B) Notwithstanding the provisions of subsection (A), a person conducting a business in a building adjacent to a public or private sidewalk may, in conjunction with a bona fide sale and in accordance with a temporary permit issued by the city manager, display or sell goods or merchandise from that business on a portion of the sidewalk that is contiguous to the building.

(1) Any person desiring such a permit shall apply to the city manager or her designee who shall issue the permit upon a finding that the proposed display or sale of goods or merchandise will not endanger the safety, and will not be inconsistent with the welfare and convenience, of the public, and who may impose such reasonable conditions as are necessary to comply with the requirement of this section.

(2) The city manager may permit the sale of goods and merchandise on a public sidewalk only in connection with a city-sponsored festival or public event.

(3) In addition to any conditions imposed by the city manager, the permittee shall, as a condition for issuance of the permit, agree in writing to defend and hold the city harmless from any and all claims, demands, losses, liability, causes of action, costs and expenses of any kind arising from or incident to any activity undertaken under the permit by the permittee or any employee or agent of the permittee.

(4) Each permit issued under this section shall be valid only for the duration of the sale in conjunction with which it is issued or seven days, whichever is less.

(5) No more than four permits may be issued under this section in any one year to the same permittee or to any permittee associated with the same business.

(C) Notwithstanding the provisions of subsection (A), the city manager may issue a temporary permit, authorizing the participants in a city-sponsored festival or public event to display or sell goods or merchandise on that portion of any public street which has been closed to traffic in connection with such festival or event.

(D) The outdoor display, sale or storage of goods or merchandise on areas not subject to subsection (A) is prohibited in all commercial, office and industrial zones to the extent not expressly authorized by the use limitations set forth in the regulations applicable to such zones.

(E) Notwithstanding the provisions of subsection (D) and the use limitations in the zones referred to therein, outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit governing the operation of the entire restaurant.
(Ord. No. 3606, § 12, 12-12-92; Ord. No. 3642, § 1, 6-12-93)

Sec. 7-1600 Townhouses.

(A) No group of townhouses shall exceed eight dwelling units in a single structure, except that a greater number may be approved with a special use permit in zones where townhouses are a permitted use, subject to the restrictions of this section.

(B) No such special use permit shall be approved in the RA, RB, RM, RS, RT, CD and CL zones.

(C) No such special use permit shall be approved which authorizes a total length of any single structure in excess of 212 feet.

(D) No such special use permit shall be approved unless there is significant variation in the architectural details of individual units sufficient to break the mass of the group of the townhouses. The significant variation shall include at least two or more of the following:

1. Significant variations in building materials and colors;
2. Significant variations in roof, including variation in roofline, roof materials and roof types;
3. Significant variations in fenestration;
4. Significant variations in the setbacks of the townhouses; and
5. Significant variations in other architectural treatments.

(E) No such special use permit shall be approved unless, in lieu of the otherwise applicable side yard setback requirements between end unit townhouses, such special use permit includes a condition, assented to in writing by the applicant, for the provision of fire resistive construction and/or fire protection system requirements, not otherwise required by the Uniform Statewide Building Code, and reasonably calculated to the satisfaction of the fire marshal to offset the diminution in fire safety occasioned by the relaxation of the otherwise applicable side yard setback requirements.

(F) Location of parking. Lots created for townhouse dwelling units may include areas used, in whole or in part, for private alleys or driveways providing shared access to parking spaces in the rear or side yard for more than one dwelling unit and less than 17 dwelling units. Such shared access will require an access easement or other legal right as part of a development approval and may only be approved if the planning commission finds that the following factors have been met.

(a) *Open space.* Sufficient open space and/or landscape areas are provided to mitigate the impact of the private alley or driveway, and should include either:

i. A rear and/or side yard of sufficient depth to provide useable yard space of ten feet or more in depth; or

ii. Enhanced landscape planting areas on the lot, and decorative pavement and/or a permeable paving surface on all private alleys or driveways that cross the property.

(b) *Compatibility*. The proposed shared private alley or driveway allows for a design solution that is compatible with and reinforces the urban form and character of adjoining and nearby properties.

(c) *Minimum separation from access way.* If the proposal includes two rows of townhouses that back up to each other, or one row that backs up to an existing row of townhouses then to provide adequate separation between the rows of townhouses on opposing sides of the shared private alley or driveway the minimum distance between the principle townhouse structures should be a 1:1 ratio of horizontal separation to building height.

(Ord. No. 3673, § 2, 10-16-93; Ord. No. 4027, § 1, 11-14-98; Ord. No. 4897, § 2, 6-24-14)

Sec. 7-1700 Fences on corner lots.

7-1701 *Front yards and secondary front yards.* For purposes of this section only, the front yard of a corner lot which contains a building's architectural main entrance shall be considered a front yard and shall occupy the area between the front property line and the main building line. The other front yard on the corner lot shall be considered a secondary front yard and shall, notwithstanding any other provisions of this ordinance save the vision clearance requirements of section 7-800, be subject to the provisions of this section 7-1700 with regard to permitted fences.

7-1702 *Fences in secondary front yards.*

A. Open fences which do not exceed three and one-half feet are permitted in any location within a secondary front yard.

B. A fence not exceeding six feet in height may be located in a secondary front yard if it complies with the following:

(1) It is located no closer to the front yard property line than the rear wall of the building structure that adjoins the secondary front yard;

(2) Except for cases governed by section 7-1702(B)(3), it is set back from the edge of the sidewalk or from the property line where there is no sidewalk at least two feet on lots of 25 feet width or less, and three feet on other lots; and

(3) Where the secondary front yard is located on a block face on which the adjacent house as well as the majority of the houses face the street, fences over three and one-half feet but not exceeding six feet shall be permitted if located no closer to the property line than half the distance between the property line and the building face.

(Ord. No. 3898, § 1, 12-14-96)

Sec. 7-1800 Installation of ATM and similar machines on the exterior of buildings in the Historic Districts.

(A) Within the Old and Historic Alexandria District and the Parker Gray District, machines for dispensing money, tickets, postage, and similar paper records, and providing electronic transactions and services, but not to include the sale or provision of other products or merchandise or lottery tickets, may be installed on the exterior of a building, or as an outdoor freestanding machine, provided:

(1) The director determines that the installation is consistent with each of the following minimum criteria:

(a) No machine may be installed on the exterior of a contributing structure to the district as determined at the time of application using the Secretary of Interior's Guidelines. A list of noncontributing structures within each district is maintained by the Department of Planning and Zoning.

(b) No more than one machine may be installed per individual building.

(c) No freestanding machine may be installed outside of a completely enclosed space within the interior of a building, unless located within an open court or similar area within the footprint of a noncontributing building.

(d) No machine shall face residentially zoned land.

(e) The exterior surface of the machine shall not exceed 8.0 square feet in size.

(f) One bank identification sign shall be allowed abutting the top of the machine. The width of the sign shall not exceed the width of the machine, and the height of the sign shall not exceed one-third of the width of the machine. Backlit signs shall not be permitted.

(g) No surround shall be permitted. Network logos may be displayed provided they are contained within the borders of the machine or the bank identification sign and a monochromatic (gray scale) color scheme is used.

(h) Lighting elements shall be the minimum possible to meet safety requirements, and shall not exceed 2.0 foot candles measured at a radius of five feet from the source

(i) The building on or within the foot print of which the machine is located shall be located in a commercial zone.

(B) The installation of the machine, including without limitation its specific size and location and the extent of its signage and lighting, shall require approval by the Board of Architectural review pursuant to Articles IX and X of this ordinance.

(C) Except as provided in this section, the installation of machines for dispensing money, tickets, postage, and similar paper records, and providing electronic transactions and services, and for the sale or provision of other products or merchandise or lottery tickets, on the exterior of a building or structure, or as an outdoor freestanding machine, within the Old and Historic Alexandria District and the Parker Gray District is prohibited.

(Ord. No. 4282, § 1, 11-16-02)

Sec. 7-1900 Roominghouses.

(A) *Special use permit required.* No roominghouse may be operated in the city unless a special use permit for the roominghouse has been approved by city council. All applications for a special use permit to operate a roominghouse shall be submitted to the director.

(B) *The director's recommendation.* In formulating his recommendation on the special use permit application, the director, in addition to any other applicable factors, shall consider credible evidence derived from his investigation or from any other source as to the following factors:

(1) Whether the applicant has been convicted of a felony under the laws of any state or the United States, or has been convicted of any crime or offense involving moral turpitude, within the ten years next preceding the application, as determined by the Alexandria Police Department after a review to which the applicant shall consent.

(2) Whether the premises has adequate parking to accommodate the number of roomers requested.

(3) Whether the premises is so situated with respect to any residence or residential area that the operation of a roominghouse will adversely affect real property values or substantially interfere with the usual quietude and tranquility of such residence or residential area.

(C) *Code compliance.* Prior to formulating a recommendation, the director, together with the director of code enforcement, shall cause the proposed roominghouse to be inspected, and the director shall not recommend approval unless the proposed roominghouse is in compliance

with all applicable provisions of law, including without limitation the Zoning Ordinance, the Uniform Statewide Building Code and the Fire Prevention Code.

(D) *Minimum requirements for approved roominghouses.* In addition to any other conditions which council may impose in granting a special use permit, every roominghouse shall comply with the following conditions:

(1) The operator, who shall be the owner of the premises, shall at all times reside at the subject premises; however, this condition may be waived or amended by city council for good cause if the roominghouse is located in the CD, CDX, OC, OCM, OCH, OR CRMU zone.

(2) Every sleeping room shall have a smoke detector, which shall be part of a hard wired smoke detector system.

(3) The operator of the roominghouse shall change bed linens and towels, if supplied by the operator, at least once each week and each time prior to the letting of any room to any occupant, and shall maintain all other supplied bedding in a clean and sanitary manner.

(4) The operator of the roominghouse shall be responsible for the sanitary maintenance of all walls, floors and ceilings, and shall keep the roominghouse and all parts thereof, including the premises on which it is located, free of any accumulation of dirt, filth, rubbish and garbage, and effectively protected against vermin infestation.

(5) The operator of the roominghouse shall be responsible for the peace and good order of the premises, and shall at all times see that the premises does not become a public or common nuisance by reason, among others, of the congregation of disorderly persons, inebriates, or persons using or selling controlled substances.

(E) *Annual inspections.* On an annual basis, the directors of code enforcement and planning and zoning shall inspect the roominghouse to determine if the facility is in compliance with the conditions of the special use permit and conforms to the Uniform Statewide Building Code and the Fire Prevention Code.

(F) *Additional hearing on the special use permit.* If the director finds that there are violations of the special use permit, or if he finds conditions of the operation which have a negative impact on the community, and in either event he believes that additional conditions, suspension or revocation is warranted in order to alleviate the problem, then he shall

cause the special use permit to be docketed for hearing before the planning commission and the city council for consideration of such issues.
(Ord. No. 4025, § 1, 11-14-98; Ord. No. 4041, § 2, 3, 4-17-99)

Sec. 7-2000 Day labor agencies.

Any day labor agency approved under this section shall, in addition to other conditions appropriate to the specific location and circumstances in a given case, be subject to the following regulations and requirements:

(A) No such use shall be permitted within 300 feet of land in a residential or mixed use zone.

(B) Attended indoor restrooms shall be available two hours prior to the hours of operation of the use for the benefit of laborers.

(C) Trash receptacles shall be provided to the satisfaction of the director.

(D) All litter on the site, on the public right-of-way, and on spaces adjacent to or within 100 feet of the premises of the use shall be picked up at least twice a day and at the close of business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is open.

(E) No amplified sound shall be audible at the property line.

(F) When deemed necessary by the director, and at the expense of the operator of the use, a private security service, or such other dedicated personnel of the operator approved by the director, shall be employed to discourage loitering, public urination, or consumption of alcoholic beverages, and to control noise associated with the congregation of laborers. This security service shall commence prior to the time laborers arrive and remain until after laborers disperse in both the morning and afternoon or evening hours.

(Ord. No. 4328, § 4, 1-24-04)

Sec. 7-2100 Increased density and height for public elementary and secondary schools.

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, and no increase in height greater than 60 feet, shall be approved.
(Ord. No. 4327, § 1, 1-24-04)

Sec. 7-2200 Smoke-free restaurants required.

7-2201 Any new restaurant for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, is approved after [effective date] shall, as a condition of such permit, agree to operate as a smoke-free restaurant.

7-2202 Any restaurant existing on July 1, 2008 for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700 of this ordinance, is approved, reviewed or amended after July 1, 2008 shall, as a condition of such permit, agree to operate as a smoke-free restaurant, within three months after the approval, review or amendment of such permit.

7-2203 Every restaurant with outdoor seating located in the public right-of-way existing on July 1, 2008 shall, as a condition of the continued right to use the public right-of-way, agree to operate as a smoke-free restaurant within three months after July 1, 2008.

7-2203.1 Every grandfathered restaurant existing on July 1, 2008 shall, as a condition of the continued right to be classified as a grandfathered use, agree to operate as a smoke-free restaurant within three months of July 1, 2008.

7-2204 Every restaurant existing on July 1, 2008 for which a special use permit pursuant to Section 11-500, or for which an administrative permit pursuant to Section 6-600, Section 6-700 or Section 6-800, or for which a building permit pursuant to Section 4-700of this ordinance, has been approved, shall agree to operate as a smoke-free restaurant within three months of July 1, 2008.

7-2205 Every restaurant which is not a smoke-free restaurant as required pursuant to Section 7-2203 and Section 7-2204 shall be classified as a nonconforming use subject to Section 12-214 of this ordinance.

7-2206 For purposes of this Section 7-2200, "a restaurant existing on July 1, 2008" shall not be deemed to include a new restaurant at the same location as a restaurant which operated on July 1, 2008. Indicia of a new restaurant shall include, without limitation, a change in ownership or control, a change in name, a change in Virginia Alcoholic Beverage Control Board licensee, or a change in type or style of cuisine.

7-2207 The provisions of this Section 7-2200 shall preempt any contrary provisions of the City Code or this ordinance.

7-2208 Notwithstanding any contrary provision of this Section 7-2200, a restaurant which, on May 1, 2007 and thereafter, has in operation a completely separate and independent HVAC system, to service all areas of the restaurant in which smoking is permitted, exclusive of all non-smoking areas, shall comply with the provisions of this Section 7-2200 within five years of July 1, 2008.

7-2209 The provisions of this Section 7-2200 shall not become effective unless reenacted by the City Council during the legislative session commencing in September 2007, and if so reenacted, the effective date of this Section 7-2200 shall be July 1, 2008.
(Ord. No. 4493, § 2, 6-26-07)

Sec. 7-2300 Increased density for private schools, academic.

Notwithstanding any contrary provision in this ordinance, a private school, academic, located in a residential zone, whose campus consists of two or more lots or parcels of land, at least one of which is vacant and is separated from the balance of the campus by a public right-of-way, may be constructed, expanded or reconstructed to a size which exceeds the density permitted by the applicable zone regulations; provided, that such construction, expansion or reconstruction is approved by special use permit; and, provided further, that no increase in height above the height permitted in the zone shall be approved. Any density increase attributable to the transfer of density from the vacant lot or parcel and utilized for the construction, expansion or reconstruction of the use shall reduce the density available for any development of the vacant lot or parcel. A notice of such reduction in density on the vacant lot or parcel shall be approved by the City and recorded among the land records. Such reduction shall run with the and, and bind successors in interest.
(Ord. No. 4522, § 1, 3-15-08)

Sec. 7-2400 Outdoor display of rental bicycles.

Notwithstanding any regulation in this ordinance to the contrary, the outdoor display of bicycles for rent is permitted within the City to the following extent, and pursuant to the following guidelines:

(a) A business which rents bicycles may display those bicycles directly outside the building in which its business is located if a permit by the Director is approved subject to this section 7-2400.

(b) An application under this section for outdoor display of bicycles shall be accompanied by a plan showing the proposed display and, at a minimum, the following:

(1) the location of the display;

(2) the arrangement of bicycles within the display;

(3) the number of bicycles proposed to be displayed;

(4) any barriers proposed or required to surround the display area;

(5) any additional features proposed to be part of the display.

(c) The display must, at a minimum, comply with the following:

(1) The display must be consistent with this section 7-2400 and with the plan approved pursuant to section 7-2400(b), including any conditions that are made part of the approval.

(2) All bicycles must be maintained in an orderly arrangement;

(3) All bicycles must be retained within the area permitted for the display, which may not include a flower or tree bed, the area within two feet of the curb where vehicle parking is permitted, or the area adjacent to the display where a clear, safe and adequate pedestrian passageway must be maintained.

(4) The bicycle display may not block a doorway or fire hydrant.

(5) No signs are permitted as part of the display except as permitted on the building by the zoning ordinance for the business.

(6) All improvements used in an outdoor display area on the public right of way must be readily removable without damage to the surface of the right of way.

(7) Within a historic district, the design of the area shall comply with any Board of Architectural Review approved design guidelines for such displays.

(d) The rental of bicycles is permitted from the display area.

(e) The display may be located on the public right of way, if permitted in the approved plan and subject to the requirements for encroachments under section 5-2-29 of the City Code.

(f) Bicycle means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat

attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children.

(Ord. No. 4609, § 1, 6-23-09)

Sec. 7-2500 Infill regulations for single- and two-family residential zones.

7-2501 *Applicability.* The supplemental regulations in this section 7-2500 apply to 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). These regulations supplement the residential zone regulations in Article III of this zoning ordinance.

7-2502 *Height in line with existing development.*

(A) The height of a residential building erected or altered after [effective date] shall not exceed the greater of:

(1) 25 feet, or

(2) The average height along the front of the building of the residential buildings existing on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent.

(B) A height greater than that calculated in section 7-2502(A) may be permitted if a special use permit is approved pursuant to section 11-500 of this ordinance, and city council determines that the proposed construction will be of substantially the same residential character and design as adjacent and nearby properties. For purposes of this subsection, the recommendation of the planning commission on the special use permit shall be deemed a final decision of the city council, unless any person files with the city clerk a request for hearing by council within 5 working days after the action of the commission. In the event such request is filled, the application shall be docketed for consideration at the next available council public hearing meeting. All notice for applications under this subsection shall include a description of the procedure herein provided, in such form as the director shall require.

(C) For the purposes of this section 7-2502, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is

greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating height without regard to intersecting streets subject to an administrative protocol, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-2502.

(D) Where an application proposes redevelopment of one or more entire blocks, as defined in section 7-2502(A)(2), or where there is no appropriate blocks for purposes of calculating height, this section 7-2502 shall not apply and the height restrictions of the zone in which the property is located shall apply.

7-2503 Residential front setback and front door threshold in line with existing development.

(A) *Average setback.* Unless a different rule is specified for a particular zone, wherever the major portion of a block is developed, and the majority of the buildings built on one side of a street between two intersecting streets or between one intersecting street and a street dead end have been built at a uniform front setback forward or behind the minimum front setback prescribed for the zone in which such buildings are located, new residential buildings hereafter erected shall conform to the setback line so established. Absent a majority of buildings at a uniform front setback, the setback shall be established by the average of the front setbacks of the buildings on one side of the street of a block as described above. For all other residential construction, including without limitation, porches and additions, the director may designate an appropriate front setback no closer to the front property line than the established or average setback line. The board of zoning appeals is authorized to grant a special exception under the provisions of section 11-1300 to modify the strict application of this requirement.

(B) *Average threshold.* Whenever the major portion of a block is developed, no front door threshold of a single family, two-family or townhouse residential building erected or altered after January 20, 2007 shall exceed the average height of the front door threshold of the residential buildings built on that block (one side of a street between two intersecting streets or one intersecting street and a street dead end) by more than 20 percent, provided, that

(1) Additional front door threshold height may be permitted if a special use permit is approved pursuant to section 11-500 of

this ordinance, and city council determines that the proposed construction will not detract from the value of and will be of substantially the same residential character as adjacent and nearby properties.

(2) No SUP shall be necessary if the additional front door threshold height is the minimum necessary to comply with the floodplain requirements of section 6-306(B).

(3) For the purpose of this paragraph 7-2503(B), the height of the front door threshold is defined as the vertical distance between the average pre-construction grade along the front of the building to the top of the threshold. The front door threshold shall accurately reflect the actual location of the first floor of the building, and in all cases the front door threshold shall be measured to the top of the threshold or the top of the highest elevation of the finished first floor, whichever is greater.

(C) *Blockface determination.* For the purposes of this section 7-2503, where the number of buildings on one side of a street between two intersecting streets or between one intersecting street and a street dead end is either fewer than five or where the distance between streets as specified above is less than 200 feet or where the number of buildings is greater than 15 or where the distance between streets as specified above is greater than 600 feet, the director may designate an appropriate block for purposes of calculating front setback and front door threshold height without regard to intersecting streets subject to an administrative protocol, and subject to city council approval as part of the special use permit, if there is one, granted pursuant to this section 7-2503.

7-2504 Open front porches and porticos.

(A) Ground level covered front porches and porticos constructed under the standards of this section 7-2504 shall be excluded from floor area calculated under the provisions of section 2-145(A)(5).

(B) Standards for porches.

(1) *Extent of front porch exclusion.* No portion of the floor area of the porch to be excluded under this section shall extend beyond the side walls of the front building façade.

(2) *Size of porch.* To be excluded under this section, a porch shall be a minimum of five feet deep and a maximum of eight feet deep. The maximum floor area to be excluded shall be 240 square feet.

(3) *Construction above not permitted.* To be excluded under this section, no second floor balcony, deck, or enclosed construction shall be permitted above the front porch or portico.

(4) *Must remain open.* A ground level front porch or portico shall remain open and shall at no time be enclosed with building walls, glass, screens, or otherwise. Railings shall be permitted no higher than the minimum height required by the building code, and with balusters evenly spaced so as to leave at least 50 percent of the perimeter length of the railings open.

7-2505 Free-standing garages to the rear of the main building.

(A) Regardless of other regulations in this zoning ordinance, a free-standing private garage is permitted to the rear of the main building in accordance with the regulations in this section 7-2505 so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from floor area calculated under the provisions of section 2-145(A)(6).

(B) Standards.

(1) *Size.* For lots with a minimum of 5,000 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger, the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section 7-2505(B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.

(2) *Setback.* The garage shall be set back a minimum of three feet from the side or rear property line if windows face the property line; otherwise the minimum setback is 1 foot.

(3) *Access.* If there is no direct access to the garage from an alley, a permeable-surfaced driveway is permitted in the side yard for access to the garage. Permeable-surfaced driveways can be composed of grass with ring and grid structure, gravel with a grid structure beneath, paving strips, a grid based surface, or other treatments without significant compaction of the base, but must be approved by

the department of planning and zoning and the department of transportation and environmental services. Either the department of planning and zoning or the department of transportation and environmental services can grant an exemption to the permeable-surfaced driveway requirement in cases of steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material. Tandem parking in the driveway is permitted. Curb cuts must be approved in accordance with section 5-2-2 of the City Code and section 8-200(C)(5) of this zoning ordinance. The number of vehicles permitted on the lot is limited by section 8-200(C)(6).

(4) *Compatibility.* The accessory garage shall be compatible with the main dwelling in regard to materials and design.

(5) *Use.* The accessory garage shall be dedicated to the use and storage of motor vehicles.

7-2506 *Attached garages.* Private garages that are an integral part of the main residential dwelling are only permitted under the following standards.

(A) Access to garage.

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

(2) *Lot with width less than 65 feet.* If the lot width is less than 65 feet, an attached garage with a vehicle entrance facing the front yard is permitted, but must be set back a minimum of eight feet from the plane of the front building wall. No roof or covering is permitted in front of such a garage and any construction above shall not extend forward of the front plane of the garage. The garage door shall be compatible with the design of the residence.

(B) Driveway surface. A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable

surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.

(C) A non-tandem parking or garage access arrangement is permitted only if the parking area is a permeable surface, unless the department of planning and zoning or the department of transportation and environmental services determines that a permeable-surfaced driveway is not appropriate due to steep slopes, adverse soil conditions, constructability, or other conditions that for safety or environmental reasons would require use of a non-permeable surfacing material.

7-2507 Tree coverage requirement.

(A) For all construction that requires a grading plan, trees must be planted or existing trees preserved to provide a minimum of 25 percent canopy cover over the site. Refer to the City of Alexandria Landscape Guidelines to determine tree crown coverage allowances.

(B) The director shall approve this requirement as part of the grading plan.

(Ord. No. 4556, § 1, 6-24-08; Ord. No. 4653, § 2, 4-17-10; Ord. No. 4724, § 1, 6-25-11)

ARTICLE VIII. OFF-STREET PARKING AND LOADING

Sec. 8-100 Off-street parking required.
Sec. 8-200 General parking regulations.
Sec. 8-300 Central business district.
Sec. 8-400 King Street Transit Parking District.
Sec. 8-500 Waterfront parking exemption.
Sec. 8-600 Motor vehicle parking or storage in the RM zone.

Sec. 8-100 Off-street parking required.

(A) (1) *General requirement.* No land shall be used or changed in use, no structure or building shall be constructed, and no existing structure or building shall be changed in use, significantly enlarged or significantly altered as those terms are defined in section 8-200(F)(4), unless the off-street parking required by this Article VIII is provided for the entire land, structure or building.

(2) *Special requirement.* No existing building or structure shall be enlarged as that term is defined in section 8-200(F)(4) unless the off-street parking required by this Article VIII is provided for such enlargement.

(3) *Statutory exception.* Land, buildings or structures actually in use or constructed as of January 27, 1987, and prior thereto are exempted from the requirements of this Article VIII to the extent provided in section 8-200(F).

(4) *Reduction of requirement by special use permit.* A special use permit may be obtained pursuant to section 11-500, which authorizes the provision of less off-street parking than is otherwise required by this Article VIII, subject to the following:

(a) The special use permit applicant shall demonstrate that providing the required parking would be infeasible.

(b) If the requested reduction exceeds five parking spaces, the special use permit applicant shall propose and have approved as a condition of the permit a parking management plan which shall include reasonable and effective measures, appropriate to the size, scale and location of the use, building or structure, which will mitigate the impacts of the proposed reduction in parking.

(c) City council, upon consideration of the special use permit application, finds that the proposed reduction in parking will not have an adverse impact on the nearby neighborhood, and that the application otherwise complies with the standards for approval set forth in section 11-504.

(d) A special use permit may not reduce the number of off-street parking spaces otherwise required below the number of spaces which are provided at the time of the permit application, unless allowed by another provision of this ordinance or required by extraordinary circumstances.

(5) *Alternative reduction of requirement.* Required parking may be reduced in conjunction with the provision of low and moderate income housing as provided in section 7-700, and required parking may be reduced or waived where alley or interior court access is infeasible, in the RM zone pursuant to section 3-1107 and in the Old and Historic Alexandria District, Parker-Gray District, Town of Potomac Historic District, Rosemont Historic District and for designated buildings over 100 years old, pursuant to section 8-200(C)(5).

(6) *Reduction of requirement by administrative special use permit.* An administrative special use permit may be obtained pursuant to section 11-513, where sufficient parking to meet the requirement is available at all times the use is operational, despite the fact that the same parking spaces are used, dedicated or available for other uses at other times.

(7) *Multifamily dwelling requirement modification.* In addition to the reductions allowed by this section, for multifamily dwellings, a special use permit may be obtained pursuant to section 11-500 and section 8-100(A)(4), which authorizes the provision of more off-street parking than is otherwise required by this Article VIII.

(B) It shall be unlawful to diminish the off-street parking facility required for any structure or premises by this Article VIII, unless another such facility, meeting all the requirements, is substituted.

(C) Notwithstanding the requirements of this Article VIII, those projects subject to approval under section 11-700 regarding

Transportation Management Special Use Permits shall be required to provide for parking and loading in compliance with that section and the approved special use permit.
(Ord. No. 3620, § 1, 3-20-93; Ord. No. 3713, § 3, 3-19-94; Ord. No. 4677, § 6, 6-22-10; Ord. No. 4948, § 4, 5-15-15)

Sec. 8-200 General parking regulations.

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

(1) *Single-family detached, two-family and row or townhouse dwellings:* two (2.0) spaces per dwelling unit for single-family detached, two-family, and townhouse dwellings.

(2) *Multifamily dwellings.*

(a) *Parking ratio.*

i. *Metro Station Walkshed Area.* Multifamily dwellings located on property within the Metro Half-Mile Walkshed as shown on the map approved herewith, titled "City of Alexandria Metro Station Walkshed Map," as the same may be amended from time to time to incorporate new Metro stations:

i. Shall provide eight-tenths of a parking space per bedroom, unless the applicant shows, to the satisfaction of the director, that the multifamily dwelling complies with any of the following in which case the ratio shall be reduced by the percentage as shown:

(A) Five percent if the multifamily dwelling is within one-quarter of a mile of four or more active bus routes;

(B) Ten percent if the multifamily dwelling has a walkability index of 90—100 or five percent if the multifamily dwelling has a walkability index of 80—89; or

(C) Five percent if the multifamily dwelling includes 20 percent or more studio units.

ii. *Outside the Metro Station Walkshed Area.* Multifamily dwellings located on property not within the Metro Half-Mile Walkshed:

i. Shall provide one parking space per bedroom, unless the applicant shows, to the satisfaction of the director, that the multifamily dwelling complies with any of the following in which case the ratio shall be reduced by the percentage as shown:

(A) Ten percent if the multifamily dwelling is outside of the Metro Half-Mile Walkshed but within the Bus Rapid Transit Half-Mile Walkshed as shown on the map approved herewith, titled "City of Alexandria Bus Rapid Transit Walkshed Map," as the same may be amended from time to time to incorporate new operational bus rapid transit stops;

(B) Five percent if the multifamily dwelling is within one-quarter of a mile of four or more active bus routes;

(C) Ten percent if the multifamily dwelling has a walkability index of 90—100 or five percent if the multifamily dwelling has a walkability index of 80—89; or

(D) Five percent if the multifamily dwelling includes 20 percent or more studio units.

iii. *Optional parking ratio for affordable housing.* If a multifamily building includes income-restricted units, the parking ratio for such units may be as follows:

a. Three-quarters of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below 60 percent of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV;

b. Sixty-five hundredths of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below 50 percent of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV; and

c. Five-tenths of a parking space per unit if the affordable housing unit is income-restricted for households earning at or below 30 percent of Area Median Income for Washington-Arlington-Alexandria, DC-VA-MD-WV;

d. The above parking ratios may be reduced by the following percentages if the applicant can show, to the satisfaction of the director, that the multifamily dwelling in which the units are located complies with any of the following:

(A) Ten percent if the multifamily dwelling is within the Metro Half-Mile Walkshed or Bus Rapid Transit Half-Mile Walkshed, as shown on the maps titled "City of Alexandria Metro Station Walkshed Map" and "City of Alexandria Bus Rapid Transit Walkshed Map";

(B) Five percent if the multifamily dwelling is within one-quarter of a mile of four or more active bus routes;

(C) Ten percent if the multifamily dwelling has a walkability index score of 90—100 or five percent if the multifamily dwelling has a walkability index score of 80—89; or

(D) Five percent if the multifamily dwelling includes 20 percent or more studio units.

(b) *Calculation of the number of bedrooms.* For purposes of calculating the required number of parking spaces for a multifamily dwelling, the following shall apply:

i. Studio units shall be considered one bedroom;

ii. One bedroom units shall be considered one bedroom;

iii. Two bedroom units shall be considered two bedrooms;

iv. Any bedroom above the second bedroom in a unit may be included, but is not required to be included, in the total count; and

v. If the multifamily dwelling includes affordable units that are exercising the optional parking ratio for affordable housing pursuant to section 8-200(A)(2)(a)(iii) herein, such units shall be removed from the count and calculated separately with the applicable ratios.

(c) *Parking requirement.* The parking requirement for the multifamily dwelling shall be the number of bedrooms calculated pursuant to section (b) above, multiplied by the parking ratio calculated pursuant to section (a) above, subject to the following:

i. Parking ratio requirement adjustment. Any parking requirement may be adjusted within five percent of the requirement if the director determines that physical requirements of the building prevent compliance with the specific number of parking spaces required; and

ii. The final ratio represents a minimum and a maximum requirement. Modification of the parking requirement may be requested with a special use permit pursuant to sections 8-100(A)(4) and 8-100(A)(7).

(3) *Boardinghouses and rooming houses:* one space for each four guest rooms; provided, that the number of off-street parking spaces for any rooming house or boarding house authorized by a special use permit granted by city council after December 12, 1987, shall be determined by council when granting, and shall be as set forth in, the special use permit.

(4) *Tourist homes:* one space for each two guest rooms.

(5) *Hotels or motels:* one space for each guest room or dwelling unit except that for buildings over three stories in height, one space for each two guest rooms or dwelling units; provided, that on sites for which preliminary site plans have been approved after July 6, 1966, one space for each guest room or dwelling unit plus one employee parking space for each 15 guest rooms or dwelling units or major fraction thereof. See also section 8-200(B)(21).

(6) *Hospitals, nursing homes, sanitariums and convalescent homes:* one space for each two patient beds.

(7) *Community buildings, fraternal organizations, civic clubs, lodges, museums, libraries and similar uses:* one space for each 200 square feet of floor area.

(8) *Theaters, auditoriums, assembly halls and restaurants:* one space for each four seats except that for restaurants used to serve employees, but not the general public, of a multi-story office building of four stories or more in height and located entirely within such building with no direct ingress or egress to the restaurant from the exterior of the building except those required for service and emergency purposes and without any sign identifying such restaurant from the exterior of the restaurant or building: one space for each eight seats. Provided that this exception shall be permitted only with a special use permit.

(9) *Clinics, medical or dental:* one space for each 200 square feet of floor area.

(10) *Churches:* one space for each five seats in the principal auditorium or one space for each ten classroom seats, whichever is greater.

(11) *Schools, elementary:* one space for each 25 classroom seats. Schools, high: one space for each ten classroom seats. Schools, day nursery or nursery: two spaces for each classroom. Schools, commercial, including, but not limited to, secretarial, conservatories, art and craft and the like: one space for each two seats.

(12) *Automobile service stations:* one space for each gasoline pump.

(13) *Amusement enterprises (indoor):* one space for each 200 square feet of floor area on all floors.

(14) *Amusement enterprises (outdoor):* one space for each 400 square feet of lot area.

(15) *Homes for the elderly:* one space per each two units plus one space for each two guest rooms, except for homes for the low income elderly, one space per each four units plus one space for each four guest rooms only with a special use permit.

(16) *Retail uses:* the required number of parking spaces shall be determined by Table A.

(17) *Nonretail uses, including, but not limited to, personal service shops, equipment and repair businesses and the like:* one space for each 400 square feet of floor area.

(2) *Multifamily dwellings.*

(a) One and three-tenths (1.30) spaces for each unit up to and including one bedroom unit.

(b) One and three quarters (1.75) spaces for each two bedroom unit;

(c) Two and two-tenths (2.20) spaces for each three bedroom unit or larger.

(3) *Boardinghouses and rooming houses:* one space for each four guest rooms; provided, that the number of off-street parking spaces for any rooming house or boarding house authorized by a special use permit granted by city council after December 12, 1987, shall be determined by council when granting, and shall be as set forth in, the special use permit.

(4) *Tourist homes:* one space for each two guest rooms.

(5) *Hotels or motels:* one space for each guest room or dwelling unit except that for buildings over three stories in height, one space for each two guest rooms or dwelling units; provided, that on sites for which preliminary site plans have been approved after July 6, 1966, one space for each guest room or dwelling unit plus one employee parking space for each 15 guest rooms or dwelling units or major fraction thereof. See also section 8-200(B)(21).

(6) *Hospitals, nursing homes, sanitariums and convalescent homes:* one space for each two patient beds.

(7) *Community buildings, fraternal organizations, civic clubs, lodges, museums, libraries and similar uses:* one space for each 200 square feet of floor area.

(8) *Theaters, auditoriums, assembly halls and restaurants:* one space for each four seats except that for restaurants used to serve employees, but not the general public, of a multi-story office building of four stories or more in height and located entirely within such building with no direct ingress or egress to the restaurant from the exterior of the building except those required for service and emergency purposes and without any sign identifying such restaurant from the exterior of the restaurant or building: one space for each eight seats. Provided that this exception shall be permitted only with a special use permit.

(9) *Clinics, medical or dental:* one space for each 200 square feet of floor area.

(10) *Churches:* one space for each five seats in the principal auditorium or one space for each ten classroom seats, whichever is greater.

(11) *Schools, elementary:* one space for each 25 classroom seats. Schools, high: one space for each ten classroom seats. Schools, day nursery or nursery: two spaces for each classroom. Schools, commercial, including, but not limited to, secretarial, conservatories, art and craft and the like: one space for each two seats.

(12) *Automobile service stations:* one space for each gasoline pump.

(13) *Amusement enterprises (indoor):* one space for each 200 square feet of floor area on all floors.

(14) *Amusement enterprises (outdoor):* one space for each 400 square feet of lot area.

(15) *Homes for the elderly:* one space per each two units plus one space for each two guest rooms, except for homes for the low income elderly, one space per each four units plus one space for each four guest rooms only with a special use permit.

(16) *Retail uses:* the required number of parking spaces shall be determined by Table A.

(17) *Nonretail uses, including, but not limited to, personal service shops, equipment and repair businesses and the like:* one space for each 400 square feet of floor area.

Retail uses: the required number of parking spaces shall be determined by the following table:

Total Floor Area in Square Feet per Floor		*Required Number of Parking Spaces per Given Square Feet of Floor Area*											
Not Less Than	*Not More Than*	*Ground floor Parking Districts*						*Other Floors Parking Districts*					
		1	*2*	*3*	*4*	*5*	*6*	*1*	*2*	*3*	*4*	*5*	*6*
–	1,500	1 per 200	1.1 per 200	1.2 per 200	1.2 per 200	1.2 per 200	1 per 200	1 per 300	1.1 per 300	1.2 per 300	1.2 per 300	1.2 per 300	1 per 300
1,500	5,000	1 per 210	1.1 per 210	1.2 per 210	1.2 per 210	1.2 per 210	1 per 210	1 per 310	1.1 per 310	1.2 per 310	1.2 per 310	1.2 per 310	1 per 310
5,000	20,000	1 per 220	1.1 per 220	1.2 per 220	1.2 per 220	1.2 per 220	1 per 220	1 per 320	1.1 per 320	1.2 per 320	1.2 per 320	1.2 per 320	1 per 320
20,000	–	1 per 230	1.1 per 230	1.2 per 230	1.2 per 230	1.2 per 230	1 per 230	1 per 330	1.1 per 330	1.2 per 330	1.2 per 330	1.2 per 330	1 per 330

(18) *Office buildings, including commercial, governmental and professional:*

(a) The required number and type of parking spaces shall be determined by the following table:

In Parking Districts
(spaces required/square feet of floor area)

	1	*2*	*3*	*4*	*5*	*6*
Minimum	1/500	1/450	1/475	1/475	1/475	1/600
Minimum car pool space set aside	5.0%	5.0%	5.0%	5.0%	5.0%	5.0%

Parking district 6 shall encompass the area located within a radius of 2,000 feet from any entrance to any Washington/Metropolitan Transit Authority rail station. The boundaries of this and parking districts 1 through 5 shall be shown on the map designated "City of Alexandria Parking District Boundaries," dated May 26, 1987, signed by the mayor, the clerk of the council, the chairman of the planning commission, which map is on file in the office of the planning commission and which is hereby made a part of this Article VIII.

(b) The car pool parking spaces required by section 8-200(A)(18)(a) above to be provided in conjunction with an office building shall be reserved for car pool vehicles until 10:30 a.m. on work days. Each space so reserved and provided without charge for car pool vehicles may be counted as three spaces toward the minimum number of parking spaces required for an office building. For purposes of this section 8-200(A)(18), a car pool shall mean three or more people traveling together on a continuing and prearranged basis in a private motor vehicle. Each space similarly reserved and provided without charge for van pool vehicles may be counted as eight spaces toward the minimum number of parking spaces required for an office building. For purposes of this section 8-200(A)(18), a van pool shall mean eight or more people traveling together on a continuing and prearranged basis in a motor vehicle designed for the transportation of persons. The provision of transit fare media (flash passes, tickets and tokens) at 100 percent subsidy to occupants of an office building may be used

to reduce the required number of parking spaces on the basis of one space for each two persons for whom such transit fare media are provided on an annual basis. The total reduction attributable to the provision of car pool vehicle parking spaces, van pool vehicle parking spaces, and transit fare media shall not exceed 30 percent of the total number of parking spaces required by section 8-200(A)(a) above. Compliance with these provisions allowing reductions in the number of required parking spaces where car pool and van pool spaces are provided without charge and where subsidized transit fare media are provided to building occupants shall be established in an annual report prepared by the office building owner or occupant and submitted to the director. Failure to adhere to these provisions shall result in disallowance of the credit allowed hereunder to the extent of the failure to adhere.

(19) *Industrial warehouse building:*

(a) Where 75 percent or more of the floor area of the building is used for long-term storage the following provisions shall apply: one space for each 400 square feet of office area of all floors, in addition to the following requirements:

Total Floor Area in Square Feet Per Floor (Excluding Office Floor Area)		*Required Parking Space Per Given Square Feet of Floor Area*
Not Less Than	*Not More Than*	
—	5,000	1 space per 2,500 square feet (or one per floor, whichever is greater)
5,000	10,000	1 space per 3,000 square feet (or one space per floor, whichever is greater)
10,000	50,000	1 space per 5,000 square feet (or one space per floor, whichever is greater)
50,000	—	1 space per 7,000 square feet (or one space per floor, whichever is greater)

(b) For the purpose of this section 8-200(A)(19), long-term storage shall mean the storage of items for more than 30 days.

(20) *Industrial buildings used for other than long-term storage purposes:*

(a) One space for each 400 square feet of office area of all floors, in addition to the requirements of the following table:

(b) The parking requirements for industrial uses in this section 8-200(A)(20) shall be considered sufficient for industrial users having a maximum of 20 employees.

(c) Additional parking shall be required at a rate of one parking space for each three employees in excess of 20.

(d) Parking requirements shall at no time be considered sufficient for any other use of the premises, and additional spaces shall be provided to meet requirements when there is any change to a different industrial use or to a commercial use.

Total Floor Area in Square Feet per Floor (excluding office floor area)		*Required Number of Parking Spaces per Given Square Feet of Floor Area Parking Districts*					
Not More Than	*Not Less Than*	*1*	*2*	*3*	*4*	*5*	*6*
—	5,000	1 sp. per 400 sq. ft.	1.1 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.2 sp. per 400 sq. ft.	1.1 sp. per 400 sq. ft.
5,000	10,000	1 sp. per 500 sq. ft.	1.1 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.2 sp. per 500 sq. ft.	1.1 sp. per 500 sq. ft.
10,000	—	1 sp. per 600 sq. ft.	1.1 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.2 sp. per 600 sq. ft.	1.1 sp. per 600 sq. ft.

(21) Hotels within parking district 1 shall provide a minimum of .7 parking space per room and one parking space per each eight restaurant and meeting room seats. For purposes of this section 8-200(A)(21), a room shall be defined as an enclosed, private and secure area designed to provide overnight accommodation to not more than four persons.

(B) *Loading and unloading areas required.*

(1) Separate from the required off-street parking requirements of section 8-200(A) and on the same premises with every building or structure erected and occupied for manufacturing, storage, warehouse, goods display, retail store, whole-

sale business, hotel, hospital, laundry, dry cleaning or other uses similarly involving the receipt or distribution by vehicles of materials or merchandise, there shall be provided and maintained adequate off-street space for standing, loading and unloading purposes.

(2) At least one off-street space shall be provided for each 20,000 square feet of floor area or fraction thereof used or intended to be used for any of the above purposes; provided, that this provision shall not apply to buildings or structures containing less than 2,500 square feet of floor area.

(3) Such off-street loading space shall be a minimum of 12 feet in width, 14 1/2 feet in clearance height and a depth sufficient to accommodate the largest delivery trucks serving the establishment, but in no case shall such length be less than 25 feet.

(4) All loading and unloading berths shall be surfaced with a bituminous or other dust-free surface, and if the loading berths front on a public street, the trucks shall at no time project onto the sidewalk or street.

(5) This section 8-200(B) shall not apply to buildings erected or occupied prior to June 25, 1963, unless there is an increase in floor area of more than 33 percent.

(C) *Location of parking facilities.*

(1) For all single-family detached and two-family residential dwellings, required off-street parking facilities shall be located on the same lot as the main building. Tandem parking is permitted to meet this requirement.

(2) For all multifamily dwellings, required off-street parking facilities shall be located on the same lot as the main building lot, on a lot separated from the main building lot by an alley or directly across the street from the main building when separated by a minor local street only.

(3) For all commercial or industrial uses, the distance from the off-street parking facility to the commercial or industrial use which it serves shall not exceed 500 feet from the nearest corner of the lot containing the structure to the nearest usable portion of the lot used for parking, provided that such off-street parking facility shall be permitted on land in a commercial or industrial zone only.

(4) For all other uses, including, but not limited to churches, private and fraternal clubs, private and public schools and social service buildings, such required off-street parking shall be located on the same lot as the main building or on a lot immediately contiguous to the main building lot; except, that off-street parking may be permitted within 300 feet with a special use permit.

(5) *Access to parking, required or otherwise,* shall be limited as follows:

(a) Within the Old and Historic Alexandria District, access to all parking shall be provided from an alley or interior court. Upon a finding by the planning commission or director that it is clearly not feasible to provide such access, a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director.

(b) Within the Parker-Gray District, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the Parker-Gray District board of architectural review. The board of architectural review shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the developed blockface. The decision of the board of architectural review may be appealed to city council pursuant to section 10-207. If approval of a curb cut as specified in this subparagraph is not granted, then a waiver as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review, or, if no site plan is required, by the director.

(c) For buildings or structures over 100 years old designated for preservation pursuant to section 10-300, ac-

cess to all parking shall be provided from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services who shall, after review by the director and the director of transportation and environmental services, and provided the application meets the criteria of section 5-2-14(c) of the city code, docket the matter for hearing before the Old and Historic Alexandria District board of architectural review. The board of architectural shall approve or deny the application based on whether the location and nature of the proposed curb cut and associated parking facility is compatible with the character and architectural style of the designated building or structure. The decision of the board of architectural review may be appealed to city council pursuant to section 10-309. If approval of a curb cut as specified in this subparagraph is not granted, then a wavier as to part or all of any parking requirement may be granted by the planning commission as part of its site plan review or, if no site plan is required, by the director. The requirements of this subparagraph shall apply to all the land appurtenant to such designated building or structure, whether comprised of a single lot or multiple lots of record, on the date of designation.

(d) Within the Town of Potomac and Rosemont Historic Districts, access to all parking shall be from an alley or interior court. Upon a finding by the director that such access is clearly not feasible, an application for a curb cut to provide access may be filed with the director of transportation and environmental services for review by the director and the director of transportation and environmental services. The approval of both directors constitutes approval of the application. The directors shall review the application for compliance with the criteria of section 5-2-14(c) of the city code, and for the compatibility of the location and nature of the proposed curb cut and associated parking facility with the character and architectural style of the developed blockface. The rejection by either director constitutes a denial of the application. The administrative

determination on the application may be appealed to city council. The procedures of section 10-207 shall apply to the extent appropriate to any such appeal.

(e) For land not covered by paragraph (a) through (d) above, approval for a curb cut may be obtained either as part of a site plan approved by the planning commission pursuant to section 11-400 or by administrative approval pursuant to section 5-2-14 of the city code.

(f) It is the express intent of the city that no curb cut be permitted anywhere in the city which does not, at a minimum, meet the criteria of section 5-2-14(c) of the city code.

(6) *Parking, required or otherwise, limited on residential lots.* For all lots containing single-family, two-family or townhouse dwelling uses, there shall be a limit of one vehicle per 1,000 square feet of lot area, not to exceed a maximum of four (4) vehicles per lot parked or stored outside on the lot in question.

(D) *Design of parking spaces and facilities.*

(1) Each required parking space shall be no less than 18.5 feet in length and nine feet in width, except that each required compact car parking space shall be no less than 16 feet in length and eight feet in width for compact car parking spaces, exclusive of driveways and aisles; provided, however, that parking spaces parallel to driveways and aisles shall be not less than 22 feet in length and eight feet in width for standard cars and 18 feet in length and seven feet in width for compact cars.

(2) Aisles with two-way traffic movement shall be no less than 22 feet in width, unless 45- and 60-degree parking is provided or where parking on both sides of the aisle is for compact cars, in which case said aisles shall be no less than 20 feet in width, or as much additional width as may be required for access of emergency vehicles. Aisles with one-way traffic movement shall be as follows:

(a) Aisles serving 90-degree parking shall be no less than 22 feet in width, except that where parking on both sides of the aisle is for compact cars, the aisle shall be no less than 20 feet in width unless in special circumstances the director of transportation and environmental services and the fire marshall shall approve in

writing a reduction in the 20-foot width by not more than two feet for an aisle serving not more than 30 parking spaces.

(b) Aisles serving 45-degree or 60-degree parking shall be no less than 16 feet in width or as much additional width as may be required for access of emergency vehicles.

(c) Aisles serving parallel parking and located immediately adjacent to buildings shall be no less than 16 feet in width. All other aisles serving parallel parking shall be 12 feet in width or as much additional width as may be required for access of emergency vehicles on curvilinear streets.

(3) Each parking space shall be separated with proper striping, or other designation, approved by the department of planning and zoning.

(4) The requirements of section 8-200(D)(2) shall not apply to valet parking facilities when city-approved valet parking is provided.

(5) The driveways and parking spaces required by this section 8-200 shall be smoothly graded, adequately drained and constructed with suitable subgrade, base and surfacing to be durable under the use and maintenance contemplated and so that they can be reasonably used for off-street parking facilities. Any grade transition shall be designed and constructed to prevent undercarriage and bumper guards from dragging. Such parking facilities shall be properly maintained and aisles shall remain open and free for traffic flow.

(6) Means of ingress and egress for the off-street parking facility shall be constructed in accordance with prevailing city standards and remain adequate and unobstructed at all times. The off-street parking facility shall be constructed so that no part of parked vehicles will extend beyond the parking space so as to obstruct walkways, sidewalks, streets or alleys.

(E) *Provision of compact car spaces.*

(1) Parking facilities providing for ten or more required off-street parking spaces for a non-retail use may provide up to 75 percent of the required spaces as compact car parking spaces. Parking facilities providing ten or more required off-street parking spaces for a retail use may provide up to 30 percent of the required spaces as compact car parking spaces. Each compact car parking space shall be adequately signed to indicate the intended use and shall be provided as close as possible to the entrance of the building or structure to which such space is accessory; provided, however, that any parking facility for which a preliminary site plan has been submitted to the director on or before June 24, 1975, shall be treated as an existing parking facility subject to section 8-200(E)(2).

(2) Nonstructured surface parking facilities in existence on June 24, 1975, may be restriped for compact car parking spaces in conformance with these regulations; provided that compliance with section 11-410(CC)(5) of the site plan reg-

ulations, except for the setback requirement for a parking facility abutting a public road or sidewalk, is demonstrated to the director. If the director determines that the facility does not so comply, said nonstructured surface parking facilities may be restriped for compact car parking spaces only if a site plan has been submitted and approved in accordance with section 11-400 of this ordinance.

(3) Structured parking facilities in existence on June 24, 1975, may be restriped for compact car parking spaces in conformance with these regulations without the necessity of complying with section 11-410(CC)(5) of the site plan regulations.

(4) For purposes of this section, a compact car shall mean an automotive vehicle having a width of less than six feet and a length of less than 16 feet.

(5) The parking of vehicles other than compact cars, as defined above, in compact car parking spaces provided by this section 8-200(E) is hereby prohibited. It shall be unlawful for any owner or operator of parking facilities with compact car parking spaces striped in conformance with these regulations to permit any person to park any vehicle other than a compact car in a compact car parking space.

(F) *Prior existing buildings and structures.*

(1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

(a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered between June 23, 1963, and January 27, 1987, the parking requirements of this Article XIII shall apply only to such change in use, enlargement or alteration; and

(b) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, significantly enlarged or significantly altered after January 27, 1987, the parking requirements of

this Article XIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

(2) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3) below, any change in use in land which had been placed in use between June 23, 1963, and January 27, 1987, and any change in use, enlargement, significant enlargement or significant alteration of a structure or building which had been constructed between those dates shall be governed by the provisions of sections 8-200(F)(1)(a) and (b).

(3) The provisions of this section 8-200(F) shall not apply to the enlargement, significant enlargement or significant alteration of single-family, two-family or row or townhouse dwellings.

(4) For purposes of this section 8-200(F), the following definitions shall apply:

(a) "Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to 33⅓ percent or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit. The cost of the remodeling or rehabilitation of units that serve households at or below 60

percent Area Median Income (AMI) for 30 years or more shall be exempt from the calculation of expenditures pursuant to this section.

(b) "Enlarged" and "enlargement" shall mean an addition to a structure or building which increases its floor area by less than 20 percent. In the case of uses whose parking requirements are determined by a factor other than floor area (e.g., dwelling units, seats, patient beds), these terms shall mean any action which increases this factor by less than 20 percent, whether or not accompanied by an increase in floor area.

(c) "Significantly enlarged" and "significant enlargement" shall mean an addition, or additions over any two-year period, to a structure or building which increases its floor area by 20 percent or more. In the case of uses whose parking requirements are determined by a factor other than floor area, these terms shall mean any action, or actions over the two-year period, which increases this factor by 20 percent or more, whether or not accompanied by an increase in floor area.

(5) No single-family, two-family or townhouse dwelling shall be deemed a noncomplying use or structure because it failed to provide two required parking spaces on June 24, 1992, if the dwelling did provide one required parking space on that date.

(6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multifamily residential use or any structure or building has been changed in use to a multifamily residential use, or a multifamily dwelling has been enlarged, significantly enlarged or significantly altered after May 16, 2015, the parking requirements of this Article XIII shall apply to all the land and to the entire structure or building upon completion of the change in use, significant enlargement or significant alteration, however, any existing parking above the requirement may remain. This section shall not apply if a construction or alteration permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of May 16, 2015, or if a special use permit is obtained under section 7-700 or section 11-500 which autho-

rizes the change in use, enlargement, significant enlargement or significant alteration with the provision of less off-street parking than is required.

(G) *Removal of Parking Space in Old and Historic Alexandria District.* Within the Old and Historic Alexandria District, a non-required parking space on the same lot as a residential building, or on a contiguous lot under common ownership with a residential building, may not be removed if the removal is for the purpose of gaining open space to support a building addition. For the purpose of this subsection, a parking space is an area of land which is at least eight feet by 16 feet and which is either (a) improved as a parking space with brick, concrete, asphalt, gravel, or other covering designed to support a vehicle's weight, or (b) not improved for parking but actually used for parking on at least 90 calendar days within the previous 12-month period.

(Ord. No. 3620, § 2, 3-20-93; Ord. No. 3650, § 2, 6-22-93; Ord. No. 3713, §§ 4, 5, 3-19-94; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3937, § 1, 6-17-97; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4852, § 1, 1-25-14; Ord. No. 4910, § 5, 11-15-14; Ord. No. 4948, § 4, 5-15-15)

Sec. 8-300 Central business district.

(A) *Boundaries of district.* The boundaries of the central business district shall be as follows: Beginning at a point created by the eastward extension of the centerline of Duke Street to the present established pierhead line in the Potomac River; thence westward along the centerline of Duke Street to the centerline of South Peyton Street; thence northward along the centerline of South Peyton Street to the centerline of King Street; thence westward along the centerline of King Street to the centerline of Harvard Street; thence northward along the centerline of Harvard Street to a point created by the intersection of the westward extension of a line located 109.3 feet north of and parallel to the northern right-of-way line of King Street; thence eastward along said line extended to the eastern property line of the property located at 1601 King Street; thence south and perpendicular to the northern right-of-way line of King Street at a distance of nine and three-tenths (9.3) feet to a point 100 feet north of the northern right-of-way of King Street; thence eastward along a line 100 feet north of and parallel to the northern right-of-way of King Street to a point created by its intersection with the centerline of West Street; thence northward along the centerline of West Street to the cen-

terline of Queen Street to a point created by the eastward extension of the centerline of Queen Street to the present established pierhead line in the Potomac River; thence southward along said pierhead line to the point of beginning.

(B) *Application of certain requirements.* Within the central business district any lot or group of contiguous lots of record as of June 28, 1983, containing less than 10,000 square feet shall not be subject to the requirements of the following: sections 8-200(A)(9), (11), (12), (16), (17), (18), (19) and (20) and section 8-200(B); provided, however, that any lots subdivided after June 28, 1983, into lots of 10,000 square feet or less and developed or redeveloped individually or as a single entity shall comply with all provisions of sections 8-200(A) and (B). In addition, whenever a parcel or contiguous parcels of land within this area containing over 10,000 square feet or more are redeveloped, or whenever a parcel or contiguous parcels of undeveloped land within this area containing 10,000 square feet or more are developed, the requirements of section 8-200(A) shall apply. In addition, the provisions of section 8-200(A) shall not apply to restaurants. Furthermore, the provisions of sections 8-200(A) and (B) shall not apply within the boundaries of any urban renewal (redevelopment) project located within the central business district and for which project a cooperation agreement between the city and the Alexandria Redevelopment and Housing authority has been entered into nor to city hall nor to public uses (including the art center) which are located in torpedo plant building number two.

(C) *Valet parking.*

(1) Within the central business district, no valet parking operation which involves the pick up, delivery, stacking, storing, parking or unparking of motor vehicles by a valet or parking attendant from, to or on any public right-of-way shall be permitted after July 1, 1987, as, or in connection with, any principal or accessory use of lands, buildings or structures.

(2) The provisions of section 8-300(C)(1) to the contrary notwithstanding, such valet parking operation may be permitted provided that:

(a) The motor vehicles so served are parked, stored and unparked exclusively in an off-street parking facility; and

(b) A special use permit separately authorizing and governing such valet parking operation is applied for and

granted pursuant to the provisions of section 11-500 of this ordinance.

Sec. 8-400 King Street Transit Parking District.

(A) *Boundaries of district.* The King Street parking district is hereby defined as being that area described as follows: Beginning at the intersection of the centerline of King Street and the centerline of Peyton Street; thence southwesterly with the centerline of Peyton Street to the centerline of Duke Street; thence easterly with the centerline of Duke Street, 140 feet to a point opposite the northeast corner of the land of Haridge properties and the northwest corner of the DIP commercial site; thence southerly 33 feet to the corner of Haridge and DIP; thence with Haridge and DIP, 352 feet to the northerly side of the land of Southern Railway System; thence westerly with the northern side of Southern Railway System, 1,040 feet to the land of RF&P Railway System, then with the northern side of RF&P, 1,550 feet to the land of Guiffre and WMATA; thence northeasterly with Guiffre and WMATA through several courses totaling 816 feet to the northeast corner of Guiffre and the south side of Duke Street; thence northerly and perpendicular to the Duke Street centerline, 96.4 feet to the centerline of Duke Street; thence westerly with the centerline of Duke Street, 530 feet to the centerline of Callahan Drive, thence northeasterly with the centerline of Callahan Drive to the centerline of King Street; thence easterly with the centerline of King Street; to the centerline of Commonwealth Avenue; thence northerly with the centerline of Commonwealth Avenue to the centerline of Cameron Street; thence northeasterly with the centerline of Cameron Street, 750 feet to a point opposite the northeast corner of Alexandria Management Corp. and the westerly side of a 12-foot public alley; thence southerly 33 feet to the northeast corner of Alexandria Management Corp., and the alley, thence (parallel to Harvard Street) with the alley and the properties of Alexandria Management Corp., Cassedy and Chapin and Scott, 105.7 feet (passing the end of the alley at 52.85 feet) to the northeast corner of Edwards and the north side of a 10-foot public alley; thence southerly with Edwards and the west side of the 10-foot alley, 124 feet to the northwest corner of Kane and the south side of the ten-foot alley; thence easterly and parallel with King Street alley; thence easterly and parallel with King Street with the south side of the alley and the properties of Kane and Mendleson, 137.2 feet (passing Kane's corner at 91.2 feet) to the west side of Harvard Street and the northeasterly corner of the land of Mend-

leson, then with the same line 30 feet to the centerline of Harvard Street, 270.16 feet to the centerline of King Street; thence easterly with the centerline of King Street to the point of beginning.

(B) *Requirements.* Within the King Street transit parking district, the following regulations shall apply to off-street parking:

(1) Office buildings, including commercial, government and professional, shall have one parking space for each 530 square feet of floor area; provided, however, that the required parking may be reduced to not less than one parking space for each 665 square feet of floor area when the applicant, at the time of site plan approval, demonstrates through a parking study to the planning commission, or to the city council on appeal, which appeal may be filed within the time and in the manner prescribed by section 11-409(C), except that any aggrieved party may appeal, that the off-street parking provided is adequate for the site, and that there will be no unreasonable adverse effect on the surrounding residential neighborhoods.

(2) Single-family, two-family, and row or townhouse shall have one parking space per dwelling unit.

(3) Freestanding retail and service operations shall have one parking space for each 500 square feet of floor area.

(4) Freestanding restaurants shall have one parking space for each ten seats; except that for carry-out restaurants there shall be no requirement.

(5) Automobile service stations shall have one parking space for each service bay; except that for self-service operations, there shall be provided one parking space for each employee.

(6) Hotels shall have 0.7 of a parking space for each guest room.

(7) Amusement enterprise shall have one parking space for each 200 square feet of floor area.

(8) Hotel or office building projects with retail, restaurant or amusement enterprises 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 enterprises; 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 at one space for each 1,000 square feet of floor area.

(C) *Valet parking.* By utilizing valet parking as defined in section 2-201, the area of space in any parking facility as measured in square feet may be reduced by no more than 40 percent, subject to review of the director and the director of transportation and environmental services to ensure compliance with the following regulations:

(1) The number of parking spaces required by section 8-400(B) above shall not be reduced; however, the requirements of section 8-200(D)(2) relating to aisles and striping shall not apply.

(2) All required parking shall be located only in a structured parking facility.

(3) Kiosks, fare gates, walkways, customer waiting areas and all other facilities necessary to accommodate valet parking shall be shown on the site plan.

(4) Attendant parking service shall be available for the days and hours required by the director and the director of transportation and environmental services as specified in site plan approval.

(5) No vehicle shall be parked or temporarily stored by an attendant on streets or alleys, including sidewalks, abutting the structured parking facility.

(6) Failure to institute valet parking upon the occupancy of the building for which valet parking is provided or cessation of valet parking after occupancy has commenced as required by section 8-400(C)(4) above shall constitute a violation of this ordinance.

(7) No site plan for a structured parking facility designated for valet parking shall become effective unless and until the owner covenants and agrees, on behalf of itself and its successors in interest, to provide valet parking in accordance with the requirements of section 8-400(C)(4) above in an executed contract to be attached to the approved site plan and kept in city records.

(D) *Design standards.* Within the King Street transit parking district, all off-street parking shall conform to the following parking design standards to the satisfaction of the director:

(1) No less than 75 percent of the parking provided shall be in a structure, unless a special use permit is obtained.

(2) That part of a building fronting directly on a public street, sidewalk, plaza or other public area shall not be used for off-street parking except entrance/exit to the parking facility, except in those cases where the planning commission finds it to be physically impossible to do otherwise.

(3) Any surface parking area shall be landscaped.

(4) Open space shall contain such improvements as benches, walkways and other natural and manmade amenities for the use and enjoyment of residents, visitors and workers.

(E) *Conflict with other requirements.* The provisions of this section 8-400 are to be read in conjunction with section 8-200(A)(18) and, in the case of an inconsistency as to the required number of spaces, to apply the least restrictive minimum number.

(Ord. No. 4948, § 4, 5-15-15)

Sec. 8-500 Waterfront parking exemption.

The off-street parking requirements of section 8-200(A) shall not apply to those properties located immediately abutting the Potomac River, south of Third Street to and including Jones Point Park, and that area immediately west of North Union Street at Pendleton and Oronoco Streets as shown in the map incorporated in this ordinance entitled "Federal Waterfront Settlement Restricted Parking Area — September, 1984" and on file in the department of planning and zoning showing properties involved in land title settlements with the United States Department of Justice where such settlement prohibited parking. Properties whose title has not yet been settled shall not be considered part of the waterfront parking exemption.
(Ord. No. 3774, § 2, 1-21-95)

Sec. 8-600 Motor vehicle parking or storage in the RM zone.

8-601 *Motor vehicle parking or storage.* Motor vehicle parking or storage for use by the general public shall be permitted in the RM residential zone; provided, that the requirements and standards set forth in this section 8-600 are met.

8-602 *Requirements and standards.* Any motor vehicle or storage use in the RM residence zone shall comply with the following requirements and standards:

(A) Such use shall be entirely located within the central business district, as defined in section 8-300.

(B) Such use shall be of sufficient size to accommodate at least 30 passenger vehicles.

(C) If unattended, such use shall contain at least 300 square feet of parking space per vehicle, including driveways and aisles, and all parking spaces shall be clearly marked or defined in accordance with the following:

Angle of Parking At Curb	Width of Area Used when Parked	Width of Aisle and Parking Area	Length of Curb Per Car
Parallel	7 ft.	19 ft.	22.0 ft.
45°	17 ft.	29 ft.	11.3 ft.
60°	18 ft.	36 ft.	9.2 ft.
90°	17 ft.	40 ft.	8.0 ft.

(D) Such use shall be paved with bituminous or Portland cement binder so as to provide a permanent, durable and dustless surface and shall be so graded and drained as to dispose of all surface water within the area. Such paving and draining of surface waters shall be done in accordance with the specifications of the department of transportation and environmental services.

(E) Pedestrian walks shall be located in a manner to prevent the pedestrian use of vehicular ways and parking spaces and arranged so that pedestrians are not unnecessarily exposed to vehicular traffic.

(F) No signs shall be located on any such use, except behind the established building setback line and at entrances and exits. Any such signs may state no more than the use of the premises, the name of the operator, the hours of operation, the price and the means of egress and ingress, but shall state the price and the name of the operator or owner of the lot.

(G) Any such use located within or facing residential zones shall be properly enclosed with an ornamental fence, masonry wall or a compact evergreen hedge having a height of not more than six feet. Such fence or wall shall be maintained in good condition and shall not project beyond the established building setback line of the block on which the facility is located.

(H) Where established setbacks have created front and side yards, such required front and side yards of the parking facility shall be landscaped with evergreen ground cover and properly maintained.

(I) Barrier-type curbs or appropriate guards in accordance with specifications of the department of transportation and environmental services shall be placed in, on or around the use where specified by the director of transportation and environmental services for the protection of the public welfare.

(J) No multi-storied structure shall be erected in conjunction with any such use in a residential zone.

(K) Any lighting used to illuminate any parking lot or area shall be so arranged as to reflect the light away from the adjoining or nearby premises and shall be focused in a manner so as not to offer a hazard to the traveling public.

(L) No such use shall be used for the parking of commercial vehicles, trucks, taxicabs or buses.

(M) No activity other than the parking of motor vehicles shall be allowed on any such use.

(N) All structures used in the operation of any such use, except walls, fences, barricades, light poles and signs shall be set back at least ten feet from the established building setback line.

(O) Such uses shall not be operated before 7:00 a.m., nor after 10:00 p.m.

(P) No such use shall allow, permit or have an open accumulation of garbage, trash or miscellaneous refuse on the premises, and suitable receptacles for the depositing of trash and miscellaneous refuse shall be kept on the premises at easily accessible places.

(Q) The vision clearance required by section 7-800 of this ordinance shall be maintained at all times.

(R) The location of all entrances and exits shall be designated by the director of transportation and environmental services.

(S) Where the interior of any block containing residence zones is used for such use, it shall not diminish the required land area of the required open and usable space for the residence zone.

(T) All structures on such uses located within the Old and Historic Alexandria District or the Parker-Gray District shall be subject to the approval of the board of architectural review of the applicable district.

(U) The city council shall find that such use would lessen congestion and facilitate the safe and expeditious movement of traffic along the streets of the city.

(V) The city council shall find that such a facility cannot be reasonably provided for on nearby land zoned commercial or industrial.

(W) Any such use shall be considered by the traffic and parking board prior to the time it is presented to the planning commission and city council for a hearing on the special use permit hereinafter required.

(X) A special use permit shall be obtained pursuant to section 11-500; provided, that any such use permit shall expire and become null and void if any such use ceases to be used as an off-street parking facility for a period of 30 consecutive days.

(Y) In the case of any permit issued after June 30, 1958, such use shall be found to be consistent as to general location and size with an approved parking plan for the business district in which it is located.

ARTICLE IX SIGNS*

Sec. 9-100 General provisions.
Sec. 9-200 Sign regulations by zoning district.
Sec. 9-300 Signs within the Old and Historic Alexandria, Parker-Gray and 100 year old building districts.
Sec. 9-400 Administration and enforcement.

Sec. 9-100 General provisions.

9-101 Findings, purpose and intent; interpretation.

(A) Signs obstruct views, distract motorists, displace alternative uses for land, and pose other problems that legitimately call for regulation. The purpose of this article is to regulate the size, color, illumination, movement, materials, location, height and condition of all signs placed on private property for exterior observation, thus ensuring the protection of property values, the character of the various neighborhoods, the creation of a convenient, attractive and harmonious community, protection against destruction of or encroachment upon historic areas, and the safety and welfare of pedestrians and wheeled traffic, while providing convenience to citizens and encouraging economic development. This article allows adequate communication through signage while encouraging aesthetic quality in the design, location, size and purpose of all signs. This article shall be interpreted in a manner consistent with the First Amendment guarantee of free speech. If any provision of this article is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this article which can be given effect without the invalid provision.

(B) Signs not expressly permitted as being allowed by right or by special use permit under this article, by specific requirements in another portion of this chapter, or otherwise expressly allowed by the governing body are prohibited.

***Editor's note—**Ord. No. 5029, § 2, adopted June 18, 2016, amended Art. IX in its entirety, in effect repealing and reenacting said article to read as set out herein. The former Art. IX, §§ 9-100—9-400, pertained to signs, marquees and awnings, and derived from Ord. No. 3677, § 1, adopted Oct, 26, 1993; Ord. No. 3690, § 1, adopted Dec. 11, 1993; Ord. No. 3697, §§ 5, 6, adopted Jan. 22, 1994; Ord. No. 3717, § 1, adopted April 16, 1994; Ord. No. 3741, § 3, adopted June 18, 1994; Ord. No. 3841, § 3, adopted Jan. 20, 1996; Ord. No. 3864, § 3, adopted May 18, 1996; Ord. No. 3955, §§ 1, 2, adopted Oct. 25, 1997; Ord. No. 4355, §§ 1, 2, adopted June 12, 2004; Ord. No. 4641, § 1, adopted Dec. 12, 2009; Ord. No. 4688, § 1, adopted Nov. 13, 2010; Ord. No. 4731, §§ 1—3, adopted June 28, 2011; and Ord. No. 4988, § 1, adopted Feb. 20, 2016.

(C) A sign placed on land or on a building for the purpose of identification, protection or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this article is to establish limitations on signs in order to ensure they are appropriate to the land, building or use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified in subsection (a) of this section.

(D) These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, landscape and architecture of surrounding buildings, are legible and appropriate to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.

(E) These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the city. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.

(F) These regulations do not entirely eliminate all of the harms that may be created by the installation and display of signs. Rather, they strike an appropriate balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harms caused by signs.

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

(H) All rights and privileges acquired under the provisions of this Article IX are mere licenses revocable at any time by the director upon a violation of any applicable provision of this Article IX.

(I) The provisions contained in this Article IX shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in this ordinance or other city ordinances. Nothing contained in this Article IX shall excuse any person from compliance with all other applicable provisions of this ordinance or the city code.

(J) Wherever authority is to be exercised under this Article IX by the city manager or the director, the authority may also be exercised by his or her designee.

(K) This article shall apply to signs, marquees, and awnings on property not used for public right-of-way. Under no circumstances shall any provision herein authorize placement of a sign on any public right-of-way.

9-102 Definitions.

(A) *A-frame sign.* A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."

(B) *Animated sign*. Any sign, the character or appearance of any element or part of which changes by any device, mechanical, electrical or otherwise, except for digital text and graphic signs.

(C) *Awning*. Any permanent or retractable structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. This structure consists of a flexible material covering attached to and supported by a metal frame.

(D) *Awning sign.* Any sign attached to and made a part of an awning or any similar projections from a building, with changeable, fixed or both types of lettering in use.

(E) *Banner.* A temporary sign of flexible material affixed to a framework or flat surface.

(F) *Billboard*. Any sign that consists of a single panel surface larger than 100 square feet in size that is installed as an independent structure or is mounted on the side or top of a building, and this sign along with its location is sold, rented, or leased to a user that is not the property's business owner.

(G) *Building frontage.* The length of the main wall of a building which physically encloses or covers usable space. Said frontage shall be measured at the width of the wall at the height where the sign is mounted.

(H) *Chalk-board sign*. A single-faced, framed slate, chalk-board, whiteboard, or other material that can be written on with chalk, dry erase or similar markers.

(I) *Changeable copy sign.* A non-electronic sign or part of a sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or surface of the sign.

(J) *Comprehensive sign plan*. A plan for the signage of a property that includes multiple tenants or owners with shared parking or other facilities.

(K) *Curb sign*. Any sign painted on a curb.

(L) *Digital text and graphic sign*. Any sign that can change its content by way of electronic or mechanical means but maintains a consistent image and does not flash or display any animation or movement other than the occasional changing of text or graphics occurring no more than two times per day. Digital text and graphic signs can be in the form of televisions, monitors, and other screens.

(M) *Double-face sign.* Any sign having two parallel planes or surfaces that both bear the message.

(N) *Feather sign.* A lightweight, portable sign mounted along one edge on a single, vertical, flexible pole the physical structure of which at may resemble a sail, bow, or teardrop. See *windblown sign.*

(O) *Flag*. A piece of cloth or similar material, shaped like a pennant, rectangle, or square, attachable by one straight edge to a pole or rope or attached at the top and draped.

(P) *Flashing sign*. Any sign consisting of, or illuminated by, flashing or intermittent lights or other lights of changing degrees of intensity, brightness or color except for digital text and graphic signs.

(Q) *Freestanding sign*. A sign that is supported by structures or supports in or upon the ground and independent of any support from any building or wall. It also means any non-portable sign supported by a fence, retaining wall, or by upright structural members or braces on or in the ground and not attached to a building. A freestanding sign can have one or two sides and can have messages on each side.

(R) *Height.* The maximum vertical distance from the ground at the base of the sign, or, for projecting signs, at the bottom of the plane created by the face of the sign extending to the ground, to the top of the highest attached component of the sign. Height also measures the ground clearance under projecting signs.

(S) *Holiday displays.* Any displays erected on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.

(T) *Illegal sign*. Any sign erected without a required permit or which otherwise does not comply with any provisions of this article.

(U) *Illuminated sign*. Any sign that is backlit, internally lighted or lighted by direct external lighting fixtures.

(V) *Marquee*. Any permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather. A marquee may take the form of an awning.

(W) *Marquee sign*. Any sign attached to and made a part of a marquee or any similar projections from a building, with manually changeable, fixed or both types of lettering in use.

(X) *Minor sign*. Any wall or freestanding sign not exceeding one (1) square foot in area and not illuminated.

(Y) *Monument sign*. Any freestanding sign consisting of a structure built on grade in which the sign and the structure are an integral part of one another. A monument sign is not a pole sign, and it does not have any visible supporting posts or poles under the sign area. This sign generally has a low profile in accordance with height restrictions for this sign type with little or no open space between the ground and the sign and has a structure constructed of masonry, wood, or materials similar in appearance.

(Z) *Moving or windblown sign*. Any sign, any element or part of which (such as a streamer, wheel, moored blimp or propeller) moves by means of a mechanized, electrical or other device or is set in motion by movement of the atmosphere, including feather signs. A flag is not a moving or windblown sign.

(AA) *Mobile sign.* Any sign mounted on wheels, built with axles to which wheels may be attached, or attached to a motor vehicle which is used primarily for the displaying of the sign, not for operating of the vehicle. Any such vehicle shall, without limitation, be considered to be used for the primary purpose of displaying the sign if it remains parked in the same location for more seven days without moving, fails to display current license

plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer. A parking permit sticker, inspection sticker, regulatory permit or bumper sticker attached to a motor vehicle shall not be considered a sign.

(BB) *Neon sign*. Any sign containing exposed tubes filled with light-emitting gas or a sign giving the appearance of being a neon sign.

(CC) *Nonconforming sign.* Any sign which was lawfully erected in compliance with applicable regulations of the city and maintained prior to the effective date of this chapter of the zoning ordinance and which fails to conform to current standards and restrictions of the zoning ordinance.

(DD) *Pole sign*. Any freestanding sign taller than six feet that is mounted on one or more visible, ground-mounted poles. A flag, as defined by 9-102(N), on an affixed to a pole is not a pole sign.

(EE) *Portable sign*. Any temporary sign not affixed to a building, structure, vehicle or the ground and which can easily be picked up and moved to another location without the use of machinery.

(FF) *Projecting sign*. Any sign, other than a wall, awning or marquee sign, affixed to a building and supported only by the wall on which it is mounted. A projecting sign has a sign face that is not flat to the wall on which it is mounted and has two sides and can have messages on each side.

(GG) *Public area*. Any public place, public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water.

(HH) *Public art*. Items expressing creative skill or imagination in a visual form, such as painting or sculpture, which are intended to beautify or provide aesthetic influences to public areas or areas which are visible from the public realm.

(II) *Roof line.* A line composed of the highest points of the roof of a building or structure not to include mechanical penthouses or other structures attached to or erected on such roof.

(JJ) *Roof sign*. Any sign erected on or affixed to a building or structure which extends, in whole or in part, above the roof line or the eaves or bottom edge of the roof.

(KK) *Sign.* Any object, device, display, or structure, or part thereof, visible from a public place, a public right-of-way, any parking area or right-of-way open to use by the general public, or any navigable body of water which is designed and used to attract attention to an institution, organization, business, product, service, event, or location by any means involving words, letters, figures, designs, symbols, fixtures, logos, colors, illumination, or projected images. The term does not include flags of any nation, state, or other geopolitical entity not related to a commercial business, product or service. The term also does not include public art or architectural elements incorporated into the style or function of a building. The term "sign" also does not include the display of merchandise for sale on the site of the display.

(LL) *Sign face*. The portion of a sign structure bearing the message.

(MM) *Sign structure.* Any structure supporting or bearing a sign face.

(NN) *Temporary sign*. Any sign intended to be displayed for a short time period based on a property condition. All temporary signs are not illuminated. Unless a different time period is specified, a temporary sign may not be displayed for more than 120 continuous days, and there must be a 30-day interruption between postings of temporary signs.

(OO) *Wall sign*. Any sign attached to a wall or painted on or against a flat vertical surface of a structure.

(PP) *Window sign*. Any sign visible from outside a building and visible through any window or door and attached to or within four feet in front of or behind the surface of a window or door.

9-103 Sign approval.

(A) *Approval required.*

(1) No sign, marquee or awning may be erected, displayed, constructed, reconstructed or altered unless it complies with the Uniform Statewide Building Code. Compliance may require that, in addition to the permits required by any other section of this ordinance, a permit or permits be obtained from the building code official.

(2) Application for a permit shall be made on forms furnished by the building code official.

(3) The department of planning and zoning shall review each sign application except as noted in 9-103(B) below, for compliance with this Article IX.

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

(1) Signs erected by a governmental body or required by law.

(2) Flags as allowed within each zone.

(3) The changing of messages on and/or maintenance of an existing sign, except that repair of a nonconforming sign must comply with 9-402.

(4) Temporary signs as allowed within each zone.

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

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

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

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

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

(2) City council finds that:

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

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

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

9-104 *Prohibited signs* In addition to signs prohibited elsewhere in the zoning ordinance, City Code or by applicable state or federal law, the following signs are prohibited in all zones:

(A) *General prohibitions.*

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

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

(B) *Prohibitions based on materials.*

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

(2) Flashing signs.

(3) Moving or windblown signs.

(4) Mobile signs.

(5) Signs that emit smoke, flame, scent, mist, aerosol, bubbles, liquid or gas.

(6) Signs that emit sound.

(7) Any electronic sign or digital text and graphic sign. This section does not apply to signs specifically required by section 9-7-7 of the City Code.

(8) Pole signs.

(9) Signs which utilize a spotlight or other device which projects a beam of light in the direction of any street, road, highway, alley or parking area so that it may be seen by the operator of a motor vehicle when the vehicle is not parked.

(10) Illuminated signs located higher than 35 feet above grade unless the building is located within 2,000 feet of and the sign is facing Interstate 95 (the Capital Beltway) or unless a special use permit is approved after a finding that the sign meets the following criteria:

a) Only one sign per building is permitted;

b) The building may not be located within, or on the borders of, the Old and Historic Alexandria or Parker-Gray Districts;

c) The sign must meet any applicable design guidelines and follow any additional applicable process for approval;

d) The sign must be appropriate in scale, design and color and compatible with the building;

e) The sign may not be a neon sign;

f) The sign shall be subject to such conditions as the SUP may impose to ensure that the sign functions without glare or disturbance with nearby uses, including those rules which may alter, modify or supersede the rule stated in section 9-105(A)(2) with regard to the lighting not operating between 10:30 p.m. and 6:30 a.m.; and

g) No sign may face the George Washington Memorial Parkway, and only minimum facade lighting facing the Parkway is allowed.

h) The sign shall be wall mounted.

(11) Portable signs. This subsection does not apply to A-frame signs allowed herein.

(12) Billboards.

(13) Internally illuminated translucent rectangular panel signs. Signs that use a lightbox configuration where a light fixture is inside a rectangular box with the front surface consisting of a translucent panel on which information is displayed. This prohibition does not apply to channel lettering signs that use individual light boxes shaped like discrete letters or symbols.

(C) *Prohibitions based on location.*

(1) Signs erected on public land other than 1) those approved by the city manager or his or her designee in writing, 2) those where an ordinance authorizing such encroachment has been enacted by city council, 3) those authorized by law without such approval, or 4) those permitted under Virginia Code § 24.2-310E. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

(2) Roof signs.

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

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

9-105 Standards and removal.

(A) *Standards.*

(1) *Maintenance.*

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

(b) The building official may find cause to have signs removed or repaired immediately without written notice any sign which, in his or her opinion, has

become insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof as provided in the Uniform Statewide Building Code.

(2) *Illumination.*

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

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

(c) Illumination is prohibited for all temporary signs.

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

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

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

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

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

(B) *Removal.*

(1) Whenever the use of a building or structure or real property is discontinued, all signs pertaining to that use which were previously erected or displayed shall be removed within 30 days of the discontinuance of the use.

(2) Irrespective of any continued use or any discontinuance in use of a building or structure, a supporting standard or structure for a sign shall be removed if the standard or structure is not occupied by a sign permitted by this ordinance for a continuous period of one year.

(3) It shall be the responsibility of the owner of the building, structure, or real property to accomplish the removal. If, after written notice to the owner from the director, such signs or supporting standards or structures are not removed within ten days of the notice, the city manager shall cause the removal and charge the cost to the owner.

9-106 *Computation of sign area.* The area of a sign is the sum of the areas within rectangular lines inscribed around each separate word, symbol or pictorial element on the face of a sign, and the height of a sign shall be measured to include the sign and supporting apparatus for any freestanding sign; provided that:

(A) The area of a sign, or any portion thereof, having a distinctive or ornamental border shall include both the area enclosed by the border, and the area enclosed within the border.

(B) The area of a sign, or any portion thereof, having a distinctive or ornamental background, which sets the background apart from a larger surface so that it forms an integral part or element of the sign, shall include the area of the background.

(C) The area of a freestanding sign, or any portion thereof, having a background which extends beyond the words, symbols or pictorial elements thereof shall include the area of the background including the base for monument signs.

(D) If any portion of the words, symbols or pictorial elements of a sign extends beyond a border or background or has no border or background, the area of that portion of the sign shall be the area of a rectangle inscribed around it.

(E) The area of a marquee, or any panel thereof, which specifically provides a background for a sign shall be included in the area of the sign.

(F) The area of any sign hung, placed, painted or displayed on a marquee or awning shall be included in determining the total area of signs erected or displayed.

(G) The area of a double-face sign shall be considered to be the area of the one face having the larger area.
(Ord. No. 5029, § 2, 6-18-16)

Sec. 9-200 Sign regulations by zoning district.

9-201 Residential district signs.

(A) Except as otherwise prohibited in this article, the following signs are permitted as accessory to residential or non-residential uses in the following residential districts.

(1) In the R-20, R-12, R-8, R-5, R-2-5, RB, RM, RS, RT, POS, and WPR zones the following regulations shall apply:

a. On property used for residential purposes only the following signs are permitted:

i. *Flags:*

1. *Number and size limits:* One flag per 20 feet (or portion thereof) of lot width to a maximum of three flags per property with a maximum size of 16 square feet for each flag.

2. *Mounting and installation regulations:* Freestanding flags may only be less than 25 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.

ii. *Temporary signs:*

1. *Number, size and time limits for each dwelling unit on a lot:*

a. Signage with a total area of no more than ten square feet, however no single sign is permitted to be larger than four square feet.

b. One sign or combination of signs with a total area of no more than seven square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent.

2. *Mounting and installation regulations:* Signs may be ground mounted, wall mounted, or displayed within a window provided that it does not cover more than 20 percent of the glazing area of the window where it is installed. Freestanding signs may only be less than 42 inches in height, but for properties that are actively marketed and advertised for sale or rent, the sign permitted in subsection 1.b above can have a height that shall not exceed six feet.

iii. *Permanent signs:*

1. Minor signs:

a. *Number and size limits:* Maximum of two signs per property per street frontage with a maximum size of one square foot for each sign.

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

2. Signs at the entrance to a neighborhood:

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

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

3. Signs painted on the curb:

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

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

4. Additional signs at a multifamily property in the RB zone:

a. *Number and size limits:* One permanent sign is permitted per multi-family property to be located at each of the property's street frontages with a maximum size of 40 square feet for each sign if wall mounted or 32 square feet if free standing.

b. *Mounting and installation regulations:* Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

b. On property used for non-residential purposes:

i. *Flags:*

1. *Number and size limits:* One flag per 20 feet (or portion thereof) of lot width to a maximum of maximum of five flags per property with a maximum size of 24 square feet for each flag. Freestanding flags may only be attached to a pole less than 35 feet in height.

2. *Mounting and installation regulations:* Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall

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

ii. *Temporary signs:*

1. *Number, size and time limits:*

a. Signage with a total area of no more than 30 square feet, however no single sign is permitted to be larger than 24 square feet.

b. One signor combination of signs with no more than seven square feet in area on any property for sale or rent during the time the property is actively marketed and advertised for sale or actively marketed and advertised for rent. Such sign, if freestanding, shall not exceed six feet in height.

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

iii. *Permanent signs:*

1. Minor signs:

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

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

2. Signs at locations within ten feet of the curb edge of a parking lot or driveway only

at intersections or areas where motor vehicles or pedestrians would need to turn or change their course of travel:

a. *Number and size limits:* A maximum of one sign is permitted facing each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.

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

3. Signs along property's street frontage:

a. *Number and size limits:* A maximum of one sign with a maximum size of 40 square feet for each sign is permitted if wall mounted or 32 square feet if free standing at each property street frontage.

b. *Mounting and installation regulations:* Such sign can be freestanding or wall mounted. Freestanding installation is only permitted on a lot with a width of at least 100 feet at the front lot line only where off-street parking is provided, leaving a distance between the building and a side lot line of 25 feet or more, or where a building is setback 25 feet or more from the front lot line. If freestanding, the sign shall be installed as a monument sign less than six feet in height, and shall be setback at least ten feet from the front lot line. Wall mounted signs may only be mounted flat against the wall.

4. Signs painted on the curb:

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

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

5. Signs at the entrance to a neighborhood:

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

b. *Mounting and installation regulations:* Such signs may only be installed as a monument sign with less than six feet in height.

(2) In the RA, RC, RCX, and RD zones the following regulations shall apply:

a. On property used for residential purposes only the following signs are permitted:

i. *Flags:*

1. *Number and size limits:* One flag per 20 feet (or portion thereof) of lot width with a maximum size of 18 square feet per flag.

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

ii. *Temporary signs:*

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

2. *Mounting and installation regulations:* Unless otherwise specified, freestanding temporary signs shall not exceed six feet in

height. Wall mounted temporary signs may only be mounted flat against the wall or on or in a window provided that the temporary sign does not cover more than 20 percent of the glazing area of the window where it is installed.

iii. *Permanent signs:*

1. Minor signs:

   a. *Number and size limits:* Maximum of five signs per lot with a maximum size of one square foot per sign.

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

2. Signs at the entrance to a neighborhood:

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

   b. *Mounting and installation regulations:* Such signs may only be installed as a monument sign with less than six feet in height.

3. Signs painted on the curb:

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

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

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

   a. *Number and size limits:* A maximum of one sign is permitted in each direc-

tion at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.

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

5. Signs along a multi-family property's street frontage:

a. *Number and size limits:* Signage with a total area of no more than 60 square feet per property frontage, however no single wall mounted sign is permitted to be larger than 40 square feet, and no freestanding sign is permitted to be larger than 32 square feet.

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

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

i. *Flags:*

1. *Number and size limits:* One flag per feet (or portion thereof) of lot width with a maximum size of 18 square feet per flag. The area used for flags shall be deducted

from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-201.A(2)b.iii.6.

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

ii. *Temporary signs:*

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

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

iii. *Permanent signs:*

1. Minor signs:

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

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

2. Signs at the entrance to a neighborhood:

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

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

3. Signs painted on the curb:

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

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

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

   a. *Number and size limits:* A maximum of one sign is permitted in each direction at an intersection or area where motor vehicles or pedestrians would need to change their course of travel with a maximum size of six square feet for each sign.

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

5. Signs along a multi-family or non-residential property's street frontage:

   a. *Number and size limits:* Signage with a total area of no more than 60 square feet per property frontage, however no single wall mounted sign is permitted

to be larger than 40 square feet, and no freestanding sign is permitted to be larger than 32 square feet.

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

6. Wall signs at the entrance to a non-residential building or part of a building:

a. *Number and size limits:* A maximum of one sign with a maximum size of one square feet for each linear foot of building width for the wall on which the sign is mounted.

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

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

a. *Number and size limits:* The total area of all signage on the building shall be

16 square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-201.A(2)b.iii.6.

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

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

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

i. Flags:

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

2. *Mounting and installation regulations:* Freestanding flags may only be attached to a pole less than 35 feet in height. Wall mounted flags may only be on a projecting pole no longer than six feet or may be mounted flat against the wall or on a window provided

that the flag does not cover more than 20 percent of the glazing area of the window where it is installed. The clearance under a projecting wall mounted flag shall not be less than eight feet directly below the location where the flag is mounted.

ii. Temporary signs:

1. *Number, size and time limits:*

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

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

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

2. *Mounting and installation regulations:* Such sign shall be wall mounted and may only be mounted flat against the wall or installed as a window sign. Such sign cannot be higher than 20 feet above grade

measured from the location immediately below the sign to the top of the sign. On a vacant lot, such sign can be freestanding, but shall have a height no greater than six feet and an area no greater than 40 square feet.

iii. Permanent signs:

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

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

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

2. Signs at the entrance to a neighborhood:

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

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

3. Signs painted on the curb:

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

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

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

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

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

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

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

a. *Number and size limits:*

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

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

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

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

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

6. Wall signs:
   a. *Number and size limits:* The total area of all signs displayed on a building wall which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.
   b. *Mounting and installation regulations:* Such signs shall be wall mounted and may only be mounted flat against the wall. Such sign cannot be higher than 20 feet above grade measured from the location immediately below the sign. Such signs may be mounted on an awning or marquee. Marquees and awnings are only permitted to encroach upon a public right-of-way if permitted by an enacted encroachment ordinance or which city council has expressly authorized installation.
7. Wall signs higher than 20 feet above grade on a multi-story building:
   a. *Number and size limits:* The total area of all signs displayed on a building wall higher than 20 feet above grade on a multi-story building which faces a street, alley or parking area shall not exceed one square foot for each foot of building width facing the street, alley or parking area.
   b. *Mounting and installation regulations:* Such sign shall be wall mounted and may only be mounted flat against the wall. No part of this sign is permitted to be lower than 20 feet above grade measured from the location immediately below the sign.
8. Projecting signs at the entrance to a non-residential building or non-residential part of a building:
   a. *Number and size limits:* The total area of all signage on the building shall be 16 square feet. The area allowed for this signage shall be deducted from area allowed for permanent wall signage or other temporary wall signage, as permitted in section 9-202(A)ii.1.b or in sections 9-201(A)iii.6 or iii.7.
   b. *Mounting and installation regulations:* Such signs shall be wall mounted. Such sign shall not

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

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

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

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

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

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

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

(B) *Window signs.* The total area of window signs, in any one window shall not exceed 20 percent of the glazing area of the window where it is installed. The total area of window signs shall be included in determining the total area of signs erected or displayed on the wall that contains the window.

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

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

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

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

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

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

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

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

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

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

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

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

(7) *Materials and design.*

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

b. Illumination is prohibited.

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

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

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

9-203 Industrial district signs.

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

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

9-204 Signs permitted in all zones.

(A) Additional temporary signs no larger than the largest temporary sign allowed on the property pursuant to section 9-200 are permitted on any property with the permission of the property owner for no more than 90 days, and there shall be a 30-day interruption between posting periods for temporary signs in this section.
(Ord. No. 5029, § 2, 6-18-16)

Sec. 9-300 Signs within the Old and Historic Alexandria, Parker-Gray and 100 year old building districts.

9-301 Review required.

(A) *Certificate of appropriateness.* A certificate of appropriateness from the appropriate board of architectural review is required for the following signs when subject to view from a public street or place and affixed to a building or structure located in or

otherwise displayed within the Old and Historic Alexandria District or the Parker-Gray District or when affixed to or displayed on a 100-year-old building designated by city council under section 11-300:

(1) Any sign, marquee or awning permanently affixed or displayed, subject to the exemptions in section 9-301(B).

(B) *Exemptions.* The following signs shall not be subject to the requirement of section 9-301(A):

(1) Any non-illuminated window sign per building that is less than four feet in area;

(2) Signs for which administrative approval is available pursuant to sections 10-113 and 10-213;

(3) Temporary signs as follows: One sign, no more than six square feet. Such sign may be freestanding, wall mounted, or inserted within a window, provided that it does not cover more than 20 percent of the glazing area of the window where it is installed. Freestanding temporary signs shall not exceed six feet in height. If signs are being installed on a brick surface the installation should not damage the brick, and the sign should be anchored into the mortar joints.

(C) *Compliance required.* Any sign, marquee or awning required to obtain a certificate of appropriateness under section 9-301(A) and any sign identified in section 9-301(B) may be erected or displayed only if authorized by and in compliance with all other applicable requirements of this Article IX.

(D) *Grandfathered signs.* Any sign, marquee or awning legally erected or displayed within the Old and Historic Alexandria District on or before January 12, 1976, or within the Parker-Gray District on or before November 16, 1985, or on a lot or building listed under section 10-300 on or before the date of such listing may continue to be displayed and may be repainted with the same text, colors and design or repaired without a certificate of appropriateness; provided, that a certificate of appropriateness shall be required before any such sign, marquee or awning is altered, rebuilt or moved to a new location.

(E) *Freestanding signs.* One freestanding sign may be permitted on any property zoned commercial if the area of the sign is no greater than six square feet and if the sign is approved by the board of architectural review.

(F) *Prohibited signs.* Notwithstanding the provisions of section 9-301(E), no sign advertising a business, which sign is within 200 feet of and visible from Washington Street, shall be permitted unless it is attached to a building in which the business being advertised is conducted, or unless it is the minimum signage necessary to comply with section 9-7-7 of the city code. (Ord. No. 5029, § 2, 6-18-16)

Sec. 9-400 Administration and enforcement.

9-401 Reserved.

9-402 Nonconforming signs.

(A) Signs lawfully in existence on the effective date of this chapter or prior ordinances, which do not conform with the provisions of this article, and signs which are accessory to a nonconforming use shall be deemed to be nonconforming signs and may remain except as qualified below. The burden of establishing nonconforming status of signs and of the physical characteristics/location of such signs shall be that of the owner of the property. Upon notice from the zoning administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of erection. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.

(B) No nonconforming sign shall be enlarged nor shall any feature of a nonconforming sign, such as illumination, be increased.

(C) Nothing in this section shall be deemed to prevent keeping in good repair a nonconforming sign other than a pole sign. Nonconforming signs shall not be extended or structurally reconstructed or altered in any manner, except a sign face may be changed so long as the new face is equal to or reduced in height and/or sign area. Nonconforming pole signs shall be removed within seven years of the date of adoption (June 18, 2016).

(D) No nonconforming sign shall be moved for any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this article.

(E) A nonconforming sign that is destroyed or damaged by any casualty to an extent not exceeding 50 percent of its area may be restored within two years after such destruction or damage but

shall not be enlarged in any manner. If such sign is so destroyed or damaged to an extent exceeding 50 percent, it shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this article.

(F) A nonconforming sign which is changed to becoming conforming or is replaced by a conforming sign shall no longer be deemed nonconforming, and thereafter such sign shall be in accordance with the provisions of this article.
(Ord. No. 5029, § 2, 6-18-16)

ARTICLE X. HISTORIC DISTRICTS AND BUILDINGS

Sec. 10-100 Old and Historic Alexandria District.
Sec. 10-200 Parker-Gray District.
Sec. 10-300 Preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

Sec. 10-100 Old and Historic Alexandria District.

10-101 *Purpose.* The City of Alexandria seeks, through the establishment of the Old and Historic Alexandria District, to protect community health and safety, to promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, landscapes, settings, neighborhoods, places and features with special historical, cultural, artistic, and architectural significance. To achieve these general purposes, the City of Alexandria seeks to pursue the following specific purposes:

(A) To enrich the quality of life for city residents by protecting the unique resource that is the historic district, including familiar landmarks and other treasured elements of the area;

(B) To protect historical and cultural resources thus promoting tourism and enhancing business and industry as well as the quality of life of the residents of the city;

(C) To maintain and improve property values by providing incentives for the upkeep, rehabilitation and restoration of older structures in a safe and healthful manner; and by encouraging desirable uses and forms of economic development that will lead to the continuance, conservation and improvement of the city's historic resources in their setting;

(D) To educate residents and visitors about the city's cultural and historic heritage;

(E) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;

(F) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register.

(G) To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs; and

(H) To safeguard the city's portion of the George Washington Memorial Parkway and other significant routes of tourist access to the

city's historic resources by assuring that development in and along those transportation arteries be in keeping with their historical, cultural and traditional setting.

10-102 *District established.* There is hereby created in the city a district to be known as the "Old and Historic Alexandria District," the boundaries of which shall be those shown on the zoning maps adopted herewith.

10-103 *Certificates and permits required.*

(A) *Certificate of appropriateness required.* No building or structure shall be erected, reconstructed, altered or restored within the Old and Historic Alexandria District unless and until an application for a certificate of appropriateness shall have been approved by the Old and Historic Alexandria District board of architectural review or the city council on appeal as to exterior architectural features, including signs (see Article IX), which are subject to public view from a public street, way or place. Evidence of such required approval shall be a certificate of appropriateness issued by the Old and Historic Alexandria District board of architectural review or the city council on appeal.

(B) *Permit to move, remove, capsulate or demolish required.* No building or structure within the Old and Historic Alexandria District shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the Old and Historic Alexandria District board of architectural review or the city council on appeal, except as provided in section 10-111 and except for demolitions of portions of buildings resulting in the removal of less than 25 square feet total of exterior wall, roof or surface which shall be deemed an alteration and subject to section 10-103(A). The board of architectural review or the city council on appeal may refuse such permit for any building or structure of such architectural or historic interest, the moving, removing, capsulating or demolition in whole or in part of which, in the opinion of the board or the city council on appeal, would be detrimental to the public interest of the city.

(C) *Applications for certificates of appropriateness and permits.* Applications for certificates of appropriateness required by section 10-103(A) or permits required by section 10-103(B) shall be made to the director by the owner or authorized agent of the owner of the subject property.

10-104 Board of architectural review.

(A) *Board of architectural review established.* There is hereby established the Old and Historic Alexandria District board of architectural review to be composed of seven members.

(B) *Powers and duties.* The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-105, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of this Article X with respect to the Old and Historic Alexandria District and with respect to the provisions of section 10-300 relating to the preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

(C) *Composition.* The Old and Historic Alexandria District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Old and Historic Alexandria District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) *Conflicts of interest.* Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating, in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) *Chairman and secretary.* The Old and Historic Alexandria District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) *Procedure for meetings.*

(1) The chairman of the board of architectural review shall conduct its meetings and the secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the board shall be entitled to vote, and the decisions of the board shall be determined by a majority vote. A quorum of four members present is required before the board may take any official action. The board shall meet within 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 days, after the conclusion of the public hearing on the matter unless the time is extended by mutual agreement between the board and the applicant; the failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-103(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-105, for rehearing the application at the time of its denial of same.

(3) In the case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Old and Historic Alexandria District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-103(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) *Notice of hearing on permits.* No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

10-105 Matters to be considered in approving certificates and permits.

(A) *Certificate of appropriateness.*

(1) *Scope of review.* The Old and Historic Alexandria District board of architectural review or the city council on appeal shall limit its review of the proposed construction, reconstruction, alteration or restoration of a building or structure to the building's or structure's exterior architectural features specified in sections 10-105(A)(2)(a) through (2)(d) below which are subject to view from a public street, way, place, pathway, easement or waterway and to the factors specified in sections 10-105(A)(2)(e) through (2)(j) below;

shall review such features and factors for the purpose of determining the compatibility of the proposed construction, reconstruction, alteration or restoration with the existing building or structure itself, if any, and with the Old and Historic Alexandria District area surroundings and, when appropriate, with the memorial character of the George Washington Memorial Parkway, including the Washington Street portion thereof, if the building or structure faces such highway; and may make such requirements for, and conditions of, approval as are necessary or desirable to prevent any construction, reconstruction, alteration or restoration incongruous to such existing building or structure, area surroundings or memorial character, as the case may be.

(2) *Standards.* Subject to the provisions of section 10-105(A)(1) above, the Old and Historic Alexandria District board of architectural review or the city council on appeal shall consider the following features and factors in passing upon the appropriateness of the proposed construction, reconstruction, alteration or restoration of buildings or structures:

(a) Overall architectural design, form, style and structure, including, but not limited to, the height, mass and scale of buildings or structures;

(b) Architectural details including, but not limited to, original materials and methods of construction, the pattern, design and style of fenestration, ornamentation, lighting, signage and like decorative or functional fixtures of buildings or structures; the degree to which the distinguishing original qualities or character of a building, structure or site (including historic materials) are retained;

(c) Design and arrangement of buildings and structures on the site; and the impact upon the historic setting, streetscape or environs;

(d) Texture, material and color, and the extent to which any new architectural features are historically appropriate to the existing structure and adjacent existing structures;

(e) The relation of the features in sections 10-105(A)(2)(a) through (d) to similar features of the preexisting building or structure, if any, and to buildings and structures in the immediate surroundings;

(f) The extent to which the building or structure would be harmonious with or incongruous to the old and historic aspect of the George Washington Memorial Parkway;

(g) The extent to which the building or structure will preserve or protect historic places and areas of historic interest in the city;

(h) The extent to which the building or structure will preserve the memorial character of the George Washington Memorial Parkway;

(i) The extent to which the building or structure will promote the general welfare of the city and all citizens by the preservation and protection of historic interest in the city and the memorial character of the George Washington Memorial Parkway; and

(j) The extent to which such preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live.

(3) *Additional standards—Washington Street.*

(a) In addition to the standards set forth in section 10-105(A)(2), the following standards shall apply to the construction of new buildings and structures and to the construction of additions to buildings or structures on lots fronting on both sides of Washington Street from the southern city limit line north to the northern city limit line:

(1) Construction shall be compatible with and similar to the traditional building character, particularly including mass, scale, design and style, found on Washington Street on commercial or residential buildings of historic architectural merit.

(i) Elements of design consistent with historic buildings which are found on the street shall be emphasized.

(ii) New buildings and additions to existing buildings shall not, by their style, size, location or other characteristics, detract from, overwhelm, or otherwise intrude upon historic buildings which are found on the street.

(iii) The design of new buildings and additions to existing buildings shall be complementary to historic buildings which are found on the street.

(iv) The massing of new buildings or additions to existing buildings adjacent to historic buildings which are found on the street shall closely reflect and be proportional to the massing of the adjacent historic buildings.

(v) New buildings and additions to existing buildings which are larger than historic buildings which are found on the street shall be designed to look separate and shall not give the impression of collectively being more massive than such historic buildings. This design shall be accomplished through differing historic architectural designs, facades, setbacks, roof lines and styles. Buildings should appear from the public right-of-way to have a footprint no larger than 100 feet by 80 feet. For larger projects, it is desirable that the historic pattern of mid-block alleys be preserved or replicated.

(vi) Applications for projects over 3,000 square feet, or for projects located within 66 feet of land used or zoned for residential uses, shall include a building massing study. Such study shall include all existing and proposed buildings and building additions in the six block area as follows: the block face containing the project, the block face opposite, the two adjacent block faces to the north and the two adjacent block faces to the south.

(vii) The massing and proportions of new buildings or additions to existing buildings designed in an historic style found

elsewhere in along Washington Street shall be consistent with the massing and proportions of that style.

(viii) New or untried approaches to design which result in new buildings or additions to existing buildings that have no historical basis in Alexandria or that are not consistent with an historic style in scale, massing and detailing, are not appropriate.

(2) Facades of a building generally shall express the 20- to 40-foot bay width typically found on early 19th century commercial buildings characteristic of the Old and Historic Alexandria District, or the 15- to 20-foot bay width typically found on townhouses characteristic of the Old and Historic Alexandria District. Techniques to express such typical bay width shall include changes in material, articulation of the wall surfaces, changes in fenestration patterns, varying roof heights, and physical breaks, vertical as well as horizontal, within the massing.

(3) Building materials characteristic of buildings having historic architectural merit within the district shall be utilized. The texture, tone and color of such materials shall display a level of variety, quality and richness at least equal to that found abundantly in the historic setting.

(4) Construction shall reflect the traditional fenestration patterns found within the Old and Historic Alexandria District. Traditional solid-void relationships exhibited within the district's streetscapes (i.e., ratio of window and door openings to solid wall) shall be used in building facades, including first floor facades.

(5) Construction shall display a level of ornamentation, detail and use of quality materials consistent with buildings having historic architectural merit found within the dis-

trict. In replicative building construction (i.e., masonry bearing wall by a veneer system), the proper thicknesses of materials shall be expressed particularly through the use of sufficient reveals around wall openings.

(b) No fewer than 45 days prior to filing an application for a certificate of appropriateness, an applicant who proposes construction which is subject to this section 10-105(A)(3), shall meet with the director to discuss the application of these standards to the proposed development; provided, that this requirement for a preapplication conference shall apply only to the construction of 10,000 or more square feet of gross building area, including but not limited to the area in any aboveground parking structure.

(c) No application for a certificate of appropriateness which is subject to this section 10-105(A)(3) shall be approved by the Old and Historic Alexandria District board of architectural review, unless it makes a written finding that the proposed construction complies with the standards in section 10-105(A)(3)(a).

(d) The director may appeal to city council a decision of the Old and Historic Alexandria District board of architectural review granting or denying an application for a certificate of appropriateness subject to this section 10-105(A)(3), which right of appeal shall be in addition to any other appeal provided by law.

(e) The standards set out in section 10-105(A)(3)(a) shall also apply in any proceedings before any other governmental or advisory board, commission or agency of the city relating to the use, development or redevelopment of land, buildings or structures within the area subject to this section 10-105(A)(3).

(f) To the extent that any other provisions of this ordinance are inconsistent with the provisions of this section 10-105(A)(3), the provisions of this section shall be controlling.

(g) The director shall adopt regulations and guidelines pertaining to the submission, review and approval or disapproval of applications subject to this section 10-105(A)(3).

(h) Any building or addition to an existing building which fails to comply with the provisions of this paragraph shall be presumed to be incompatible with the historic district and Washington Street standards, and the applicant shall have the burden of overcoming such presumption by clear and convincing evidence.

(i) The applicant for a special use permit for an increase in density above that permitted by right shall have the burden of proving that the proposed building or addition to an existing building provides clearly demonstrable benefits to the historic character of Washington Street, and, by virtue of the project's uses, architecture and site layout and design, materially advances the pedestrian-friendly environment along Washington Street.

(4) *Additional standards—Potomac River Vicinity.* Within the Potomac River Vicinity Height District, in addition to the provisions of section 10-105(A)(2), the following standards and guidelines, to the extent relevant in each individual case, shall apply in considering an application for a certificate of appropriateness by the Old and Historic District Board of Architectural Review, or by the city council on appeal, for any building in excess of 30 feet in height when such height has been authorized by a special use permit.

(a) The degree to which facades of a proposed building or buildings are generally in alignment with the existing street edges and express the 20- to 30-foot bay width typically found within the historic district. Techniques to express such typical bay width should include changes in materials; articulation of the wall surfaces; changes in fenestration patterns; varying roof heights; and physical breaks within the massing. Large expanses of unbroken or repetitive facades are disfavored.

(b) The degree to which building materials characteristic of buildings having architectural merit within the historic district are utilized. The texture, tone and

color of such materials should display a level of variety, quality and richness at least equal to that found abundantly in the historic setting. The use of synthetic or imitative materials is disfavored.

(c) The degree to which new construction reflects the traditional fenestration patterns found within the historic district. Traditional solid-void relationships (i.e., masonry bearing wall by a veneer system) should be used in building facades which are directly related to historic streetscapes.

(d) The degree to which new construction on the waterfront reflects the existing or traditional building character suitable to the waterfront. "High style" or highly ornamented buildings are disfavored. Also disfavored are metal warehouses and nondescript warehouse-type structures.

(e) To the extent that any provisions of section 10-105(A)(2) are inconsistent with the provisions of this section 10-105(A)(4), the provisions of this section shall be controlling.

(B) *Permit to move, remove, capsulate or demolish in whole or in part buildings or structures.* The Old and Historic Alexandria District board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsulate or demolish in whole or in part a building or structure within the Old and Historic Alexandria District.

(1) Is the building or structure of such architectural or historical interest that its moving, removing, capsulating or razing would be to the detriment of the public interest?

(2) Is the building or structure of such interest that it could be made into an historic shrine?

(3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?

(4) Would retention of the building or structure help preserve the memorial character of the George Washington Memorial Parkway?

(5) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

(6) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and artisans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place in which to live?

(7) In the instance of a building or structure owned by the city or the redevelopment and housing authority, such building or structure having been acquired pursuant to a duly approved urban renewal (redevelopment) plan, would retention of the building or structure promote the general welfare in view of needs of the city for an urban renewal (redevelopment) project?

10-106 Issuance and expiration of certificates of appropriateness or permits.

(A) *Issuance.*

(1) Upon approval by the Old and Historic Alexandria District Board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-107, shall be made available to the applicant.

(2) Upon approval by the Old and Historic Alexandria District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-107 shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part of, a certificate of appropriateness or a permit to move, remove, capsulate, or demolish in whole or in part, bearing the date of issuance

but subject, however, to the provisions of section 10-107(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) *Expiration.* Any certificate of appropriateness issued pursuant to section 10-106(A) and any permit to move, remove, capsulate or demolish in whole or in part in the Old and Historic Alexandria District issued pursuant to section 10-106(B) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12 month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a development special use permit or site plan under section 11-400 of this ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of this ordinance.

10-107 Appeals from Old and Historic Alexandria District board of architectural review.

(A) *Appeal to city council.*

(1) Whenever the Old and Historic Alexandria District board of architectural review shall disapprove an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate or demolish in whole or in part, the applicant for such certificate or for such permit shall have the right to appeal to and be heard before the city council; provided, that the applicant files with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a notice in writing of the applicant's intention to appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council to be held within 75 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104.

(2) Whenever the Old and Historic Alexandria District board of architectural review shall approve an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate or demolish in whole or in part, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the city council; provided, that there is filed with the clerk of the city council, on or before 14 days after the decision of the board

of architectural review, a petition in writing signed by the city manager or at least 25 persons owning real estate within the Old and Historic Alexandria District indicating their intention to appeal and the basis for the appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104.

(3) On any such appeal, the decision of the Old and Historic Alexandria District board of architectural review appealed from shall be stayed pending the outcome of the appeal before the council. The council shall conduct a full and impartial public hearing on the matter before rendering any decision. The same standards shall be applied by the council as are established for the Old and Historic Alexandria District board of architectural review. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council, subject to the provisions of section 10-107(B), shall be final.

(B) *Appeal from city council to court.* Any applicant or any of the petitioners aforesaid aggrieved by a final decision of the city council shall have the right to appeal such decision to the circuit court for a review; provided, such appeal is filed within a period of 30 days after the rendering of the final decision by the city council. Such appeal shall be taken by filing a petition, at law, to review the decision of council, and the filing of such petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

10-108 Additional or concurrent right to move, remove, capsulate or demolish in whole or in part buildings or structures.

(A) *Right to move, remove, capsulate or demolish in whole or in part buildings or structures if conditions are met.* In addition to the right of appeal hereinabove set forth, the owner of a building or

structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this Article X, shall, as matter of right, be entitled to move, remove, capsulate, or demolish in whole or in part such building or structure provided, that:

(1) The owner has applied to the Old and Historic Alexandria District board of architectural review for such right and has also been a party to an appeal from the board's decision to the council.

(2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows:

(a) 3 months when the offering price is less than $25,000.00;

(b) 4 months when the offering price is $25,000.00 or more but less than $40,000.00;

(c) 5 months when the offering price is $40,000.00 or more but less than $55,000.00;

(d) 6 months when the offering price is $55,000.00 or more but less than $75,000.00;

(e) 7 months when the offering price is $75,000.00 or more but less than $90,000.00;

(f) 12 months when the offering price is $90,000.00 or more.

(B) *Bona fide offer to sell.*

(1) *Notice.* Before making a bona fide offer to sell as provided for in section 10-108(A), an owner shall first file a statement with the director. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name the real estate agent, if any. No time period set forth in the schedule contained in section 10-108(A) shall begin to run until the statement has been filed. Within five days after receipt of a statement the director shall mail a copy of the statement to the mayor, the city council, the city manager and subscribers to the notice provided for in section 10-112. Such offer to sell shall be advertised in a newspaper of general circulation in the city.

(2) *Question as to price.* The fact that an offer to sell a building or structure is at a price reasonably related to fair market value may be questioned, provided there is filed with the city manager, on or before 15 days after the offer for sale has begun, a petition in writing signed by at least 25 persons owning real estate located within the Old and Historic Alexandria District. Upon the receipt of such petition, the city manager shall, at city expense, forthwith appoint three disinterested real estate appraisers, familiar with property values in the Old and Historic Alexandria District, who shall forthwith make an appraisal of the building or structure in question and forthwith file a written report with the city manager whether or not in their opinion the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be binding and final. In the event the opinion is to the effect that the offer to sell the building or structure is at a price reasonably related to its fair market value, the owner may continue pursuant to section 10-108(A) as if no question has been raised. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect, and the owner, if he wishes to take advantage of the additional or concurrent right provided for in section 10-108(A), must file the notice provided for in section 10-108(B) and proceed in accord with section 10-108(A). Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided for in section 10-

108(A) prior to the date the appraisers have filed their report with the city manager, the price shall be deemed reasonably related to fair market value.

10-109 Permitted maintenance of exterior architectural features.

(A) Notwithstanding any other provisions of this Article X, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement with the same design, color and material, without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

(1) Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and

(2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Old and Historic Alexandria District.

(B) The following guidelines shall be used in the determination of historic or architectural significance pursuant to section 10-109(A):

(1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.

(2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.

(3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature cannot be easily duplicated or replaced.

(4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

10-110 Required maintenance.

(A) *General provisions.* All buildings and structures within the Old and Historic Alexandria District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II – Building Main-

tenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code or building official shall enforce the requirements of this section 10-110, in coordination with the director.

(B) *Specific application to vacant buildings and structures.* The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make applications for the necessary certificate of appropriateness. In considering any application under this section 10-110(B) the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to section 10-110(C).

(C) *Potential acquisition.* The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section 10-110 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-110.

10-111 *Order of demolition for unsafe buildings.* Nothing in this Article X shall apply to or in any way prevent the moving, removing, capsulating or demolition in whole or in part of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code or building official; provided that before a moving, removing, capsulating or demolition in whole or in part can be ordered by the code or building official, when the code or building official determines that such dangerous, hazardous, or unsafe condition could reasonably be expected to cause death or serious physical harm before review under the provisions of this Article X could be accomplished, the code or building official shall have first delivered a copy of the proposed order to the city manager, to the chairman and vice chairman of the Old and Historic Alexandria District board of architectural review, and mailed to the subscribers provided for in section 10-112 a copy of the proposed order.

10-112 *Annual subscription for notice of public hearings.* If any person shall pay to the city the sum of $10.00 to cover costs, the director shall cause to be mailed to each such person for a period of one year notice of the respective public hearings on all matters concerning the Old and Historic Alexandria District, which notice shall be mailed at least seven days before a hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

10-113 *Administrative approval of certain permits.* The director may review and approve applications for the following exterior changes, provided they comply with the specific criteria and standards outlined and formally approved by the board.

(a) Signs;

(b) Minor architectural elements, such as residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas.

(Ord. No. 3648, § 1, 7-21-93; Ord. No. 4175, § 1, 11-28-00; Ord. No. 4357, §§ 1, 2, 6-12-04; Ord. No. 4588, § 1, 4-28-09; Ord. No. 4641, § 2, 12-12-09; Ord. No. 4723, § 1, 6-25-11)

Sec. 10-200 Parker-Gray District.

10-201 *Purpose.* The City of Alexandria seeks, through the establishment of the Parker-Gray District, to protect community health and safety and to promote the education, prosperity and general welfare of the public through the identification, preservation, and enhancement of buildings, structures, settings, features and ways of life which characterize this nineteenth and early twentieth century residential neighborhood. To achieve these general purposes the City of Alexandria seeks to pursue the following specific purposes:

(A) To enrich the quality of life for city residents by protecting the architectural character and scale of the district;

(B) To maintain and improve property values by providing incentives for the upkeep and rehabilitation of older structures in a safe and healthful manner; by protecting against deterioration, destruction of, or encroachment upon such areas, structures and premises; and by encouraging desirable uses which will lead to their conservation and improvement;

(C) To educate residents and visitors about the Parker-Gray District's cultural and historic heritage;

(D) To promote local historic preservation efforts through the identification and protection of historic resources within the District;

(E) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register;

(F) To assure that new structures, additions, landscaping, and related elements be in harmony with their historical and architectural setting and environs; and

(G) To safeguard the district's approaches and significant routes of tourist access by assuring that development in and along those transportation arteries be in keeping with the district's historical, cultural, and traditional setting.

10-202 *District established.* There is hereby created in the city a district to be known as the "Parker-Gray District," the boundaries of which shall be those shown on the zoning maps adopted herewith.

10-203 *Certificates and permits.*

(A) *Certificate of appropriateness required.*

(1) *Board approval required.* No building or structure shall be erected, reconstructed, altered or restored within the Parker-Gray District unless and until an application for a certificate of appropriateness shall have been approved by the Parker-Gray District board of architectural review or the city council on appeal as to exterior architectural features, including signs (see Article IX), which are subject to public view from a public street, way or place, unless the board determines that an alternative type of review is appropriate pursuant to section 10-203(A)(2).

(2) *Administrative approval and exemptions.* The board may determine that certain elements otherwise requiring board approval of a certificate of appropriateness are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that apply for each type of review and for each building element and documents its determinations in its approved design guidelines. In making such determination, the board shall consider the standards

listed in section 10-205. The authority provided in this section (A)(2) is limited to the following types of building elements:

(a) Signs;

(b) Minor architectural elements, such as but not limited to rooftop features; stoops and stairs; porches; yard features and fences; doors and windows; shutters; siding and trim; vents and HVAC equipment; lighting; and residential accessibility structures;

(c) Minor alterations or new construction on a rear building elevation or in the area behind the rear of a building;

(d) Rooftop screening waiver provided in section 6-403; and

(e) Replacement in kind, subject to section 10-209.

(B) *Permit to demolish.*

(1) *Board approval required.* No building or structure within the Parker-Gray District shall be moved, removed, capsulated, or demolished in whole or in part without first obtaining a permit approved by the Parker-Gray District board of architectural review or the city council on appeal, except as provided in section 10-211, except for demolitions of portions of buildings resulting in the removal of less than 25 square feet total of exterior wall, roof or surface which shall be deemed an alteration and subject to section 10-203(A), or unless the board determines that an alternative type of review is appropriate pursuant to subsection (2) of this subsection (B).

(2) *Administrative approval and exemptions.* The board may determine that certain elements otherwise requiring board approval of a permit for removal, capsulation or demolition are appropriate for administrative review and approval by the director, or are appropriate for no board review of any type, if, after a public hearing specifically noticed for the purpose, the board adopts specific criteria and guidelines articulating the circumstances and particulars that apply for each type of review and for each building element and documents its determinations in its approved design guidelines. In making such determination, the board shall con-

sider the standards listed in section 10-205. The authority provided in this section is limited to the demolition of the following building elements:

(a) Fences;

(b) Accessibility structures;

(c) 250 square feet of wall area on a rear building elevation; and

(d) 100 gross square feet of floor area on a rear building elevation or in the area behind the rear of a building.

(3) *Denial of permits*. The board of architectural review, the director in an administrative case, or the city council on appeal may refuse such permit for any building or structure of such architectural or historic interest, the moving, removing, capsulating or demolition in whole or in part of which, in the opinion of the board, the director, or the city council on appeal, would be detrimental to the public interest of the city.

(C) *Applications for certificates of appropriateness and permits.* Applications for certificates of appropriateness required by section 10-203(A) or permits required by section 10-203(B) shall be made to the director by the owner or authorized agent of the owner of the subject property.

10-204 Board of architectural review.

(A) *Board of architectural review established.* There is hereby established the Parker-Gray District board of architectural review to be composed of seven members.

(B) *Powers and duties.* The board of architectural review shall:

(1) Develop and recommend to city council the adoption of rules, regulations and procedures pursuant to section 9.09(j) of the city charter.

(2) Develop, adopt and publish criteria and guidelines, within the standards developed by city council under section 10-205, to be considered in granting or denying certificates of appropriateness and permits to move, remove, capsulate or demolish in whole or in part, provided that such criteria and guidelines shall be consistent with the provisions of this Article X and with such standards, rules, regulations, and procedures as city council may establish pursuant to section 9.09(j) of the city charter.

(3) Develop, adopt and publish administrative procedures which shall be as uniform as practicable and shall not be in conflict with the procedures established in this Article X.

(4) Be responsible for making effective the provisions of section 10-200 with respect to the Parker-Gray District.

(C) *Composition*. The Parker-Gray District board of architectural review shall be composed of seven members who are residents of the city and have resided in the city for at least one year immediately preceding their appointment. Two members shall be architects. Members shall have a demonstrated interest, experience, or education in history, architecture or historic preservation. Consideration should be given to qualified applicants who are property owners, residents or business owners in the Parker-Gray historic district. The members shall be appointed by city council for terms of three years. The term of each member shall run from July 1 of the year of appointment. Any vacancy shall be filled for the balance of the unexpired term. Any member of the Parker-Gray District board of architectural review may be removed by city council for cause after having been given a written statement of the cause and an opportunity to be heard thereon.

(D) *Conflicts of interest.* Each member of the board of architectural review shall be under a continuous duty to remain conscious of and sensitive to any possible conflict of interest which may arise by virtue of his membership on the board. A member, promptly upon his determining he has a conflict of interest relative to any matter brought, shall disqualify himself from participating in any manner, publicly or privately, in the presentation, discussion or deliberation of and the voting on any such matter. The State and Local Government Conflicts of Interest Act, section 2.1-639.1 et seq. of the Code of Virginia, shall, where applicable, control the actions of all members of the board.

(E) *Chairman and secretary.* The Parker-Gray District board of architectural review shall elect its chairman from its membership and the director or his designee or designees, shall be the board's secretary.

(F) *Procedure for meetings.*

(1) The chairman of the board of architectural review shall conduct its meetings and the secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions and determinations. All members of the board shall be entitled to vote, and the

decisions of the board shall be determined by a majority vote. A quorum of four members present is required before the board may take any official action. The board shall meet within 40 days after a complete application for a certificate of appropriateness or permit requiring action by the board has been received by the director. The meetings of the board shall be open to the public, and a full and impartial hearing shall be granted. No proxy shall be allowed at any time. The board shall vote and announce its decision on any matter properly before it no later than at its next regularly scheduled meeting, not to exceed 60 days, after the conclusion of the public hearing on the matter unless the time is extended by mutual agreement between the board and the applicant; the failure of the board to vote and announce its decision within the required time, or within such longer period of time extended by mutual agreement between the board and the applicant, shall constitute approval of the application. Notwithstanding the provisions stated above, an application for a certificate of appropriateness or antecedent permit for a project which requires a site plan under section 11-400 of this ordinance shall be heard and determined by the board within a reasonable time.

(2) No application for a certificate of appropriateness required by section 10-203(A) which has been denied by the board of architectural review shall be heard again by it within one year of the date of its denial of the application, except under such terms and conditions as shall be established by the board, within the scope of section 10-205, for rehearing the application at the time of its denial of same.

(3) In case of a disapproval of the moving, removing, capsulating or demolition in whole or in part of a building or structure in the Parker-Gray District, the board of architectural review shall state its reasons therefor in writing in some detail. No application for a permit required by section 10-203(B) which has been denied shall be heard again within one year from the date of the denial of the application.

(4) If there is an appeal taken to the city council from any denial of a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part, the board of architectural review shall forward its reasons in writing to the council.

(5) The board of architectural review may establish its own rules of procedure for the conduct of its meetings provided that such rules are not in conflict with procedures established in section 9.09(j) of the city charter or this Article X.

(G) *Notice of hearing on permits.* No application for a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part in the Parker-Gray District shall be considered unless and until the secretary to the board of architectural review has given notice of the proposed hearing before the board according to the provisions of section 11-300.

10-205 Matters to be considered in approving certificates and permits.

(A) *Certificate of appropriateness.*

(1) *Scope of review.* The Parker-Gray District board of architectural review or the city council on appeal shall limit its review to exterior features subject to public view and shall determine the compatibility of proposed construction, reconstruction, alteration, restoration of buildings or structures within the Parker-Gray District based upon compatibility with other buildings or structures on the same block face, the block face across the public street, or the immediate surrounding area within the district.

(2) *Standards.* The board of architectural review, or the city council on appeal, shall consider the following in passing upon the appropriateness of proposals within the Parker-Gray District:

(a) For new buildings and additions to existing buildings:

(1) Height of the roofline along the street or public way;

(2) Scale and mass of the building on the site;

(3) Placement of the building on the site;

(4) Material, texture and color;

(5) Architectural style where there is a predominant style on the block face;

(6) Architectural details, including signs, subject to public view from the public street or public way;

(7) Architectural classification based on age of building or structure; and

(8) Hierarchy of building elevation based on the location of the new construction on the front (street facing), side (non-street facing) or rear elevation.

(b) For modifications to existing buildings:

(1) The degree to which the distinguishing original qualities or character of a building, structure, or site including historic materials are retained;

(2) The historic appropriateness of any new features;

(3) The compatibility of proposed alterations with other buildings on the block face or block face across the street, giving consideration to building size, shape, roofline, color, materials, texture, nature of openings, and architectural details;

(4) Architectural classification based on age of building or structure; and

(5) Hierarchy of building elevation based on the location of the alteration on the front (street facing), side (non-street facing) or rear elevation.

(c) The extent to which the buildings or structures in sections 10-205(A)(2)(a) and (b) above will promote the general welfare of the city and all citizens by the preservation and protection of the neighborhood.

(B) *Permit to move, remove, capsulate or demolish in whole or in part buildings or structures.* The Parker-Gray District board of architectural review or the city council on appeal shall consider any or all of the following criteria in determining whether or not to grant a permit to move, remove, capsulate or demolish in whole or in part a building or structure within the Parker-Gray District.

(1) Is the building or structure of such architectural or historic interest that its removal would be to the detriment of the public interest?

(2) Is the building or structure of such interest that it could be made into an historic shrine?

(3) Is the building or structure of such old and unusual or uncommon design, texture and material that it could not be reproduced or be reproduced only with great difficulty?

(4) Would retention of the building or structure help preserve and protect an historic place or area of historic interest in the city?

(5) Would retention of the building or structure promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists, students, writers, historians, artists and arti-

sans, attracting new residents, encouraging study and interest in American history, stimulating interest and study in architecture and design, educating citizens in American culture and heritage and making the city a more attractive and desirable place to live?

(6) Would retention of the building or structure help maintain the scale and character of the neighborhood?

10-206 *Issuance, expiration and procedures for certificates of appropriateness or permits.*

(A) *Issuance.*

(1) Upon approval by the Parker-Gray District board of architectural review of any erection, reconstruction, alteration or restoration, a certificate of appropriateness, signed by the secretary of the board and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(2) Upon approval by the Parker-Gray District board of architectural review of any application to move, remove, capsulate or demolish in whole or in part, a permit for same, signed by the secretary of the board of architectural review and bearing the date of issuance, but subject, however, to the provisions of section 10-207, shall be made available to the applicant.

(3) In instances where the city council on appeal approves any erection, reconstruction, alteration or restoration, or where the city council on appeal approves the moving, removing, capsulating or demolition in whole or in part, a certificate of appropriateness or a permit to move, remove, capsulate or demolish in whole or in part bearing the date of issuance but subject, however, to the provisions of section 10-207(B), shall forthwith be signed by the mayor and made available to the applicant.

(B) *Expiration.* Any certificate of appropriateness issued pursuant to section 10-206(A) and any permit to move, remove, capsulate or demolish in whole or in part issued pursuant to section 10-206(A) shall expire of its own limitation 12 months from the date of issuance if the work authorized thereby is not commenced and diligently and substantially pursued by the end of such 12-month period; and further, any such certificate and permit shall also expire and become null and void if such authorized work is suspended or abandoned for a period of 12 months after being

commenced and diligently and substantially pursued. Any period or periods of time during which the right to use any such certificate or permit is stayed pursuant to this article X shall be excluded from the computation of the 12 months. In the case of a certificate or permit for a project that requires a development special use permit or site plan under section 11-400 of this ordinance, the period of validity shall be coincident with the validity of the development special use permit or site plan as determined pursuant to section 11-418 of this ordinance.

(C) *Procedures for administrative certificates of appropriateness or administrative permits to demolish*. An applicant for an administrative certificate of appropriateness or administrative permit to demolish shall file an application with the director on such forms and subject to such procedures as the director may establish.

(1) As an alternative to administrative approval, the applicant may choose to seek board of architectural review approval.

(2) The director may determine that administrative approval, although permitted under section 10-203, is not appropriate and that the board of architectural review approval shall be required.

(3) The director shall post all administrative decisions made under the authority of section 10-203 on the Internet promptly in order that the public is made aware of administrative decisions.

(4) Administrative certificates of appropriateness or administrative permits to demolish shall be signed by the director but shall otherwise follow the same procedures for issuance and expiration as provided for in this section 10-206.

10-207 Appeals.

(A) *Appeal of administrative decision to board of architectural review.*

(1) A person aggrieved by an administrative decision made pursuant to the authority of section 10-203 may file an appeal with the director within 14 days of the day of the administrative decision.

(2) An appeal shall be docketed within a reasonable time for a public hearing before the board and the board shall review the matter de novo.

(3) The appeal provided in this section 10-207(A), together with the appeals provided under this section 10-207(B) and (C),

shall be the exclusive remedy and procedure for challenging an administrative decision made pursuant to section 10-203.

(B) *Appeal to city council.*

(1) Whenever the Parker-Gray District board of architectural review shall disapprove an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate or demolish in whole or in part, the applicant for such certificate or for such permit shall have the right to appeal to and be heard before the city council; provided, that the applicant files with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a notice in writing of the applicant's intention to appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council to be held within 75 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104.

(2) Whenever the Parker-Gray District board of architectural review shall approve an application for a certificate of appropriateness or an application for a permit to move, remove, capsulate or demolish in whole or in part, opponents to the granting of such certificate or of such permit shall have the right to appeal to and be heard before the city council; provided, that there is filed with the clerk of the city council, on or before 14 days after the decision of the board of architectural review, a petition in writing signed by the city manager or at least 25 persons owning real estate within the Parker-Gray Historic District indicating their intention to appeal and the basis of that appeal. Upon receipt of such notice, the clerk of the city council shall schedule a public hearing before the city council at a time not less than 30 days after the receipt by the clerk of such notice, but no such hearing shall be had unless and until notice pursuant to section 11-302(A) has been given. Each such notice of appeal shall be accompanied by the fee prescribed pursuant to section 11-104.

(3) On any such appeal, the decision of the Parker-Gray District board of architectural review appealed from shall be stayed pending the outcome of the appeal before the council. The council shall conduct a full and impartial public hearing on

the matter before rendering any decision. The same standards shall be applied by the council as are established for the Parker-Gray District board of architectural review. The council may affirm, reverse or modify the decision of the board, in whole or in part. The decision of the council, subject to the provisions of section 10-207(B), shall be final.

(C) *Appeal from city council to court.* Any applicant or any of the petitioners aforesaid aggrieved by a final decision of the city council shall have the right to appeal such decision to the circuit court for a review; provided, such appeal is filed within a period of 30 days after the rendering of the final decision by the city council. Such appeal shall be taken by filing a petition, at law, to review the decision of council, and the filing of such petition shall stay the council's decision pending the outcome of the appeal to the court. Findings of fact by the council shall be conclusive on the court in any such appeal. The court may reverse or modify the decision of the council, in whole or in part, if it finds upon review that the decision of the council is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of council.

10-208 Additional or concurrent right to move, remove, capsulate or demolish in whole or in part buildings or structures.

(A) *Right to move, remove, capsulate or demolish in whole or in part buildings or structures if conditions are met.* In addition to the right of appeal hereinabove set forth, the owner of a building or structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this Article X, shall, as matter of right, be entitled to move, remove, capsulate, raze or demolish in whole or in part such building or structure provided, that:

(1) The owner has applied to the Parker-Gray District board of architectural review for such right and has also been a party to an appeal from the board's decision to the council.

(2) The owner has for the period of time set forth in the time schedule hereinafter contained and at a price reasonably related to its fair market value made a bona fide offer to sell such building or structure and the land pertaining thereto to any person, government or agency thereof or political subdivision or agency thereof which gives reasonable assurance that it is willing to preserve and restore the building or structure and the land pertaining thereto.

(3) No bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such building or structure and the land pertaining thereto prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the council, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to in this paragraph. No offer to sell shall begin more than one year after a final decision by the city council. The time schedule for offers to sell shall be as follows:

(a) 3 months when the offering price is less than $25,000.00;

(b) 4 months when the offering price is $25,000.00 or more but less than $40,000.00;

(c) 5 months when the offering price is $40,000.00 or more but less than $55,000.00;

(d) 6 months when the offering price is $55,000.00 or more but less than $75,000.00;

(e) 7 months when the offering price is $75,000.00 or more but less than $90,000.00;

(f) 12 months when the offering price is $90,000.00 or more.

(B) *Bona fide offer to sell.*

(1) *Notice.* Before making a bona fide offer to sell as provided for in section 10-208(A), an owner shall first file a statement with the director. The statement shall identify the property, state the offering price, the date the offer of sale is to begin and name the real estate agent, if any. No time period set forth in the schedule contained in section 10-208(A) shall begin to run until the statement has been filed. Within five days after receipt of a statement the director shall mail a copy of the statement to the mayor, the city council, the city manager and subscribers to the notice provided for in section 10-212. Such offer to sell shall be advertised in a newspaper of general circulation in the city.

(2) *Question as to price.* The fact that an offer to sell a building or structure is at a price reasonably related to fair market value may be questioned, provided there is filed with the city manager, on or before 15 days after the offer for sale has

begun, a petition in writing signed by at least 25 persons owning real estate located within the Parker-Gray District. Upon the receipt of such petition, the city manager shall, at city expense, forthwith appoint three disinterested real estate appraisers, familiar with property values in the Parker-Gray District, who shall forthwith make an appraisal of the building or structure in question and forthwith file a written report with the city manager whether or not in their opinion the offer to sell the building or structure is at a price reasonably related to its fair market value. The opinion of any two of the three appraisers shall be binding and final. In the event the opinion is to the effect that the offer to sell the building or structure is at a price reasonably related to its fair market value, the owner may continue pursuant to section 10-208(A) as if no question has been raised. In the event the opinion is to the effect that the offer to sell the building or structure is not at a price reasonably related to its fair market value, the offer to sell shall be void and of no force and effect, and the owner, if he wishes to take advantage of the additional or concurrent right provided for in section 10-208(A), must file the notice provided for in section 10-208(B) and proceed in accord with section 10-208(A). Notwithstanding an adverse opinion by the appraisers, if an owner has entered into a binding bona fide contract as provided for in section 10-208(A) prior to the date the appraisers have filed their report with the city manager, the price shall be deemed reasonably related to fair market value.

10-209 Permitted maintenance of exterior architectural features.

(A) Notwithstanding any other provisions of this Article X, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

(1) Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and

(2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic surroundings of the Parker-Gray District, but this provision shall not be con-

strued to prevent the replacement of material in kind in cases when the cost of the work would be materially increased by the use of another material.

(B) The following guidelines shall be used in the determination of historic and architectural significance pursuant to section 10-209(A):

(1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.

(2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.

(3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature cannot be easily duplicated or replaced.

(4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

10-210 Required maintenance.

(A) *General provisions.* All buildings and structures within the Parker-Gray District shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II — Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code or building official shall enforce the requirements of this section 10-210, in conjunction with the director.

(B) *Specific application to vacant buildings and structures.* The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section 10-210(B) the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deteriora-

tion. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to section 10-210(C).

(C) *Potential acquisition.* The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation of this section 10-210 and the owner's failure to cease the violation and bring the building or structure into compliance with this section 10-210.

10-211 *Order of demolition for unsafe buildings.* Nothing in this Article X shall apply to or in any way prevent the moving, removing, capsulating or demolition in whole or in part of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code or building official, provided that before a moving, removing, capsulating or demolition in whole or in part can be ordered by the code or building official when the code or building official determines that such dangerous, hazardous or unsafe condition could reasonably be expected to cause death or serious physical harm before review under the provisions of this Article X could be accomplished, the code or building official shall have first delivered a copy of the proposed order to the city manager, to the chairman and vice chairman of the Parker-Gray District board of architectural review and mailed to the subscribers provided for in section 10-212 a copy of the proposed order.
(Ord. No. 3648, § 2, 7-21-93; Ord. No. 4357, §§ 3, 4, 6-12-04; Ord. No. 4588, § 2, 4-28-09; Ord. No. 4641, § 3, 12-12-09; Ord. No. 4723, § 2, 6-25-11; Ord. No. 4832, § 1, 10-19-13)

Sec. 10-300 Preservation of certain buildings and structures over 100 years old outside the Old and Historic Alexandria District and the Parker-Gray District.

10-301 *Purpose.* The City of Alexandria seeks, through the creation of 100 year old building lists, to protect community health and safety and to promote the education, prosperity, and general welfare of the public through the iden-

tification, preservation, protection and enhancement of buildings, structures, places, or features, together with their landscapes and settings, which are over 100 years old, which are situated outside of the protections afforded buildings or structures in the Old and Historic Alexandria District or the Parker-Gray District, and which have special historical, cultural, artistic, or architectural significance. To achieve these general purposes the City of Alexandria seeks to pursue the following specific purposes:

(A) To enrich the quality of life for city residents by protecting familiar landmarks and other treasured elements of the city;

(B) To protect historical and cultural resources thus promoting tourism and enhancing business and industry, as well as the quality of life of the residents of the city;

(C) To maintain and improve property values by providing incentives for the upkeep, rehabilitation, and restoration of structures over 100 years old, in a safe and healthful manner, and by encouraging desirable uses which will lead to their conservation and improvement;

(D) To educate residents and visitors about the city's cultural and historic heritage;

(E) To promote local historic preservation efforts through the identification and protection of historic resources throughout the city;

(F) To encourage the nomination of historic properties to the National Register of Historic Places and the Virginia Landmarks Register; and

(G) To assure that additions, landscaping, and related elements be in harmony with the 100 year old building and its setting.

10-302 *Procedure for listing of buildings and structures.*

(A) The city manager or the city council may from time to time submit to the planning commission a list of buildings and structures to be considered for designation as buildings or structures over 100 years old and of historical or architectural interest. Said list shall include the name of the owner, location of the building or structure, the assessment map, block and lot number of the building or structure, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 10-303 and a set of guidelines to be used in addition to the standards set forth in sections 10-105(A) and (B) in the determination of whether

a certificate of appropriateness should be issued in accordance with section 10-304 or a permit should be issued in accordance with section 10-305.

(B) *Planning commission hearing.* The planning commission shall hold a public hearing to consider said list. Notice of such hearing shall be given according to the provisions of section 11-300.

(C) *Planning commission recommendation.* After the public hearing the planning commission shall forward the list of buildings and structures it has considered along with its recommendations to city council.

(D) *Passage of ordinance by city council.* The city council shall receive the recommendations and list of buildings and structures considered by the planning commission and may cause an ordinance to be prepared for the preservation of any or all of said buildings and structures.

(1) Said ordinance shall contain for each building or structure the name of the owner, location, assessment map, block and lot number, a statement of how the building or structure complies with the applicable qualification criteria set forth in section 10-303 and a set of guidelines to be used in addition to the standards set forth in sections 10-105(A) and (B) in the determination of whether a certificate of appropriateness should be issued in accordance with section 10-304 or a permit should be issued in accordance with section 10-305.

(2) The city council shall hold a public hearing to consider the ordinance. In addition to the advertising requirement in section 11-300 any advertisement required for said ordinance shall contain the name of the owner of record and the address of any building or structure to be considered at the public hearing. Further, notice of the time and place of such hearing along with the description of the building or structure to be considered shall be given by mail to the owner of record.

(3) After such hearing city council may adopt an ordinance listing those buildings and structures which meet the criteria specified in section 10-303. Any such building or structure listed in such an ordinance shall be subject to the provisions of this section 10-300.

(4) After adoption of any such ordinance the city clerk shall transmit a certified copy of said ordinance to the Clerk of the

Circuit Court of the City of Alexandria for recording among the land records.

(E) *Zoning ordinance procedures applicable.* In addition to the procedure for the listing of buildings and structures for preservation and protection as set forth above in sections 10-302(A) through (D), any such listing shall be subject to the rules of procedure for adoption of any amendment, supplement or repeal of any regulation, restriction or determination of boundaries of zones.

10-303 *Criteria for listing buildings.* In considering whether or not to include a building or structure over 100 years old on the list for preservation, at least two of the following criteria shall be met:

(A) Is it entered upon the National Register of Historic Places as called for by the United States Congress in the Historic Sites Act of 1935 and the Historic Preservation Act of 1966?

(B) Is it entered upon the Virginia Landmarks Register?

(C) Does it exemplify or reflect the architectural, cultural, political, economic, social or military history of the nation, state or community?

(D) Is it associated with persons of national, state or local prominence or with events of national, state or local historical significance?

(E) Is it a good example of local or regional architectural design or does it exemplify local craftsmanship, making it valuable for a study of a period, style or method of construction?

(F) Is it the work of a nationally recognized architect or can it be attributed to a local architect or builder of local prominence?

(G) Does it foster civic pride in the city's past or enhance the city's attractiveness to visitors?

10-304 *Certificate of appropriateness required.*

(A) No building or structure subject to the provisions of section 10-300 shall be reconstructed, altered or restored unless and until an application for a certificate of appropriateness shall have been approved by the Old and Historic Alexandria District board of architectural review or the city council on appeal as to exterior architectural features which are subject to public view from a public street, way or place. Evidence of such required approval shall be by a certificate of appropriateness issued by the board or the city council on appeal.

(B) Applications for certificates of appropriateness shall be made to the director.

(C) The matters that the Old and Historic Alexandria District board of architectural review or the city council on appeal shall consider in determining whether a certificate of appropriateness should be issued shall be those guidelines established in the ordinance listing the building or structure for preservation and the criteria set forth in section 10-105(A).

10-305 *Permit for moving, removing, capsulating or demolition in whole or in part required.*

(A) No building or structure subject to the provisions of this section 10-300 shall be moved, removed, capsulated or demolished in whole or in part without first obtaining a permit approved by the Old and Historic Alexandria District board of architectural review or the city council on appeal, and the board or the city council may refuse such permit for any building or structure of such architectural or historic interest, the removal of which, in the opinion of the board or the city council on appeal, would be detrimental to the public interest of the city.

(B) Applications for permits to move, remove, capsulate or demolish in whole or in part shall be made to the director.

(C) The matters that the Old and Historic Alexandria District board of architectural review or the city council on appeal shall consider in determining whether a permit to move, remove, capsulate or demolish in whole or in part should be issued shall be those guidelines established in the ordinance listing the building or structure for preservation and the criteria set forth in section 10-105(B).

10-306 *Issuance of certificate of appropriateness or permit to move, remove, capsulate or demolish in whole or in part.* The provisions of section 10-106(A) shall apply with respect to the issuance of any certificate or permit pursuant to this Article X.

10-307 *Expiration of certificate of appropriateness and permits to move, remove, capsulate or demolish in whole or in part.* The provisions of section 10-106(B) shall apply with respect to the expiration of any certificate or permit issued pursuant to section 10-306.

10-308 *Old and Historic Alexandria District board of architectural review.*

(A) For purposes of this section 10-300, "Old and Historic Alexandria District board of architectural review" shall refer to the Old and

Historic Alexandria District board of architectural review constituted by section 10-104.

(B) For the purposes of this section 10-300, the procedure for meetings of the Old and Historic Alexandria District board of architectural review shall be the same as specified in section 10-104.

10-309 *Appeals.*

(A) *Appeal to city council.*

(1) Whenever the Old and Historic Alexandria District board of architectural review shall disapprove an application for a certificate of appropriateness as prescribed by section 10-304, or whenever the board shall disapprove an application for a permit to move, remove, capsulate or demolish in whole or in part a building or structure listed for preservation as prescribed by section 10-305, the applicant for such certificate or for such permit shall have the right to appeal as specified in section 10-107(A)(1).

(2) Whenever the Old and Historic Alexandria District board of architectural review shall approve an application for a certificate of appropriateness as prescribed by section 10-304, or whenever the board shall approve an application for a permit to move, remove, capsulate or demolish in whole or in part a building or structure as prescribed by section 10-305, opponents to the granting of such certificate or of such permit shall have the right to appeal and be heard before the city council; provided, that there is filed with the clerk of the city council on or before 14 days after the decision of the board a petition in writing signed by the city manager or at least 25 persons owning real estate within the City of Alexandria indicating their intention to appeal. Except as provided in this section 10-309, the appeal procedures set forth in section 10-107(A)(2) shall be applicable to any appeal from the decision of the board granting a certificate of appropriateness in conjunction with, or a permit to move, remove, capsulate or demolish in whole or in part, a building or structure over 100 years old listed for preservation as prescribed by section 10-304(D).

(B) *Appeal from city council to court.* Any applicant or any of the parties to an appeal as specified in section 10-309(A) aggrieved by a final decision of the city council shall have the right of appeal to the circuit court for review as provided for in section 10-107(B).

10-310 *Additional or concurrent right to move, remove, capsulate or raze buildings or structures over 100 years old.* In addition to the rights of appeal hereinabove set forth the owner of a building or structure, the moving, removing, capsulating, or demolition in whole or in part of which is subject to the provisions of this section 10-300 shall, as a matter or right, be entitled to move, remove, capsulate, or demolish in whole or in part such building or structure provided that the owner follows the procedures and complies with the provisions set forth in section 10-108.

10-311 *Permitted maintenance of exterior architectural features.*

(A) Notwithstanding any other provisions of this Article X, exterior architectural features may be the subject of ordinary maintenance, including repair and replacement, with the same design, color and material without the necessity of a certificate of appropriateness if, upon review by the director or his designee, it is found that such maintenance:

(1) Does not result in the substantial removal of an exterior feature that is considered to have historic and/or architectural significance; and

(2) Does not perpetuate a condition or treatment that is considered to be, by board of architectural review policy, inappropriate or incompatible with the historic character or surroundings of the building or structure.

(B) The following guidelines shall be used in the determination of historic and architectural significance pursuant to section 10-311(A):

(1) The feature is composed of materials or utilizes construction techniques which appear to be original to the building or structure.

(2) The feature is not original to the building or structure, but is of such old and unusual design that it cannot be easily duplicated or replaced, and the feature contributes to the overall historic character of the building or structure.

(3) The feature is of such high artistic value or is composed of materials of such quality or detail that the feature can not be easily duplicated or replaced.

(4) The painting of a masonry building which was unpainted prior to such painting shall be considered to be the removal of an exterior feature having historic and/or architectural significance requiring a certificate of appropriateness.

10-312 *Required maintenance.*

(A) *General provisions.* All buildings and structures designated pursuant to this section 10-300 shall be maintained in good repair, structurally sound, and reasonably protected against decay and deterioration in compliance with Volume II — Building Maintenance Code, of the Uniform Statewide Building Code, as adopted by section 8-1-2 of the city code. The code or building official shall enforce the requirements of this section 10-312, in coordination with the director.

(B) *Specific application to vacant buildings and structures.* The boarding of a vacant building or structure shall constitute the alteration of the exterior architectural features of such building or structure. In the event such boarding is accomplished pursuant to an order from the code official to secure a hazardous building or structure against entry the owner shall, after complying with such order, forthwith make application for the necessary certificate of appropriateness. In considering any application under this section 10-312(B) the board may impose such conditions as may be appropriate to secure or preserve the historic elements of the building or structure against further loss, damage, or deterioration. In addition to any other penalty or sanction, such building or structure may be subject to acquisition pursuant to section 10-312(C).

(C) *Potential acquisition.* The director may institute appropriate procedures pursuant to section 7-2-4(b) of the city code for the acquisition of any building or structure which remains in a substantially deteriorated or deteriorating condition following service upon the owner thereof of any notice of violation pursuant to this section 10-312, and the owner's failure to cease this violation and bring the building or structure into compliance with this section 10-312.

10-313 *Order of demolition for unsafe buildings.* Nothing in this Article X shall apply to or in any way prevent the razing of any building or structure in the city which is in such a dangerous, hazardous or unsafe condition that it has been ordered demolished by the code or building official; provided that before a razing can be ordered by the code or building official when the code or building official determines that such dangerous, hazardous or unsafe condition could reasonably be expected to cause death or serious physical harm before review under the provisions of this Article X could be accomplished, the code or building official shall have first delivered a copy of the proposed order to the city manager and the chairman and vice chairman of

the Old and Historic Alexandria District board of architectural review and mailed to the subscribers provided for in section 10-314 a copy of the proposed order.

10-314 *Annual subscription for notice of public hearings.* If any person shall pay to the city the sum of $10.00 to cover costs, the director shall cause to be mailed to each person for a period of one year notice of the respective public hearings on all matters concerning the preservation of buildings and structures over 100 years old located outside of the Old and Historic Alexandria District and the Parker-Gray District, which notice shall be mailed at least seven working days before hearing and shall state the time, date, place and nature of the proposed hearing and location of the property involved.

10-315 *Listing of ordinances.* Ordinances adopted by city council which list the buildings and structures subject to the provisions of this section 10-300 are as follows:

(A) Ordinance No. 2239, enacted March 18, 1978.

(B) Ordinance No. 2270, enacted June 17, 1978.

(C) Ordinance No. 2358, enacted April 24, 1979.

(D) Ordinance No. 2607, enacted June 24, 1981.

(E) Ordinance No. 2727, enacted November 13, 1982.

(F) Ordinance No. 2781, enacted February 22, 1983.

(G) Ordinance No. 2957, enacted June 27, 1984.

(H) Ordinance No. 3507, enacted April 13, 1991.

(I) Ordinance No. 3991, enacted April 18, 1998.

10-316 *Administrative approval of certain permits.* The director may review and approve applications for minor architectural elements, such as residential accessibility structures; sheds; storm doors; gutters and downspouts; utility meters, vents and HVAC condensers; fences and gates; exterior lighting and shutters; siding and trim; railings; and, antennas, provided they comply with the specific criteria and standards outlined and formally approved by the board.
(Ord. No. 3991, 4-18-98; Ord. No. 4723, § 3, 6-25-11)

ARTICLE XI. DEVELOPMENT APPROVALS AND PROCEDURES

Division A. Administration and Enforcement of Ordinance and Notice of Public Hearings

Sec. 11-100 Administration of ordinance.
Sec. 11-200 Enforcement and penalties.
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Division B. Development Approvals

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Division C. Board of Zoning Appeals

Sec. 11-1000 Board of zoning appeals.
Sec. 11-1100 Variance.
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Sec. 11-1700 Subdivisions.

DIVISION A. ADMINISTRATION AND ENFORCEMENT OF ORDINANCE AND NOTICE OF PUBLIC HEARINGS

Sec. 11-100 Administration of ordinance.

11-101 *Director of planning and zoning.* The director is charged with the responsibility for the administration of this ordinance.

11-102 *Duties and authority.* In the administration of this ordinance the director's duties and authority shall include, without limitation:

(A) Receiving applications for development approval;

(B) Reviewing applications to determine if they contain all information required and necessary for a determination of their merit;

(C) Reviewing applications to determine their compliance with the provisions and intent of this ordinance and their merit;

(D) Docketing items for hearing before the planning commission and conferring with the city manager to schedule public hearings before the city council as necessary on applications;

(E) Preparing a staff report for each application;

(F) Interpreting the provisions of this ordinance to ensure that its intent is carried out; and

(G) Enforcing this ordinance, pursuant to section 11-200.

11-103 *Rules and procedures.* The director shall promulgate rules and procedures for the processing of applications that ensure full review, comment and recommendations on each application by the department of planning and zoning. The city manager shall promulgate rules and procedures for review of applications by other departments where such review is determined to be necessary or desirable and such procedures may include the establishment of a development review committee composed of departments of the city whose expertise is necessary or desirable in the review of applications.

11-104 *Establishment of fees.* The director shall by general rule approved by city council establish a schedule of fees required for each application for development approval to be paid at the time an application is submitted.

11-105 *Reduction of minimum yard requirements based on error in building location.* Notwithstanding any other provisions of this ordinance, the director shall have the authority, as qualified below, to approve a reduction in the minimum yard or setback requirements established by the applicable zone or other regulations in this ordinance in the case of any building existing or partially constructed which does not comply with such requirements applicable at the time such building was erected. Such a reduction may be approved by the director in accordance with the following provisions:

(A) The director determines that:

(1) The error does not exceed ten percent of the measurement that is involved, or six inches, whichever is smaller;

(2) The error was made in good faith, or through no fault of the property owner, or was the result of an error in the location of the building subsequent to the issuance of a building permit, if such was required;

(3) The reduction will not impair the purpose and intent of this ordinance;

(4) The reduction will not be detrimental to the use and enjoyment of other property in the immediate vicinity;

(5) The reduction will not create an unsafe condition with respect to other property or public streets;

(6) To force compliance with the minimum yard and setback requirements would cause unreasonable hardship on the owner; and

(B) In approving a reduction under this section 11-105, the director shall allow only that reduction necessary to provide reasonable relief and, as deemed advisable, may prescribe such conditions, to include landscaping and screening measures, to assure compliance with the purpose and intent of this ordinance.

(C) On the approval of a reduction for a particular building in accordance with the provisions of this section 11-105, the building shall be deemed to be lawful.

(Ord. No. 3774, § 2, 1-21-95; Ord. No. 3807, § 3, 6-17-95)

Sec. 11-200 Enforcement and penalties.

11-201 *Responsibility for enforcement.* The director and the building or code official shall have the authority and the responsibility to ensure that all buildings and structures and the use of all land complies with the provisions of this ordinance.

11-202 *Right of entry of city officers.* The director and the building or code official or any authorized assistant thereof, upon proper notice, shall have the right to enter all premises in the city to make an inspection or acquire information in order to determine whether or not the premises and use of the premises comply with the provisions of this ordinance and the right to apply to an appropriate court for the issuance of a warrant for same.

11-203 *General provisions.*

(A) Any building or structure erected contrary to any of the provisions of this ordinance and any use of any building or land which is conducted, operated or maintained contrary to any of the provisions of this ordinance or the provisions of any approval granted under this ordinance shall be a violation of this ordinance and the same is hereby declared to be unlawful.

(B) Any person, whether owner, lessee, principal, agent, employee or otherwise, who violates any of the provisions of this ordinance, or

permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building, structure or land in violation of the provisions

of this ordinance or the provisions of any approval granted under this ordinance shall be subject to the enforcement provisions of this section 11-200.

(C) In addition to the remedies provided in this section 11-200, the director may initiate injunction, mandamus, abatement or any other appropriate action to prevent, enjoin, abate or remove any unlawful building, structure or use.

11-204 *Action by city upon violation.*

(A) If an authorized official shall find that any of the provisions of this ordinance are being violated, he may notify in writing the owner of the property, his agent, or those persons who control or maintain the property responsible for such violation, indicating the nature of the violation, and, where the violation is correctable, ordering the action necessary to correct it. He may order discontinuance of illegal use of land, buildings or structures; removal of illegal buildings or structures or of additions, alterations or structural changes thereto; discontinuance of any illegal work being done; or may take any other action that is necessary to correct the violation.

(B) If the violation of the ordinance is not corrected within ten days of the day that notification of violation was given, the official may cause appropriate action or proceedings to be instituted and prosecuted to prevent such unlawful act and to restrain, correct or abate such violation or to prevent any unlawful act, conduct or use of such property.

11-205 *Suspension or revocation of development approval.* In addition to any other remedy provided in this section 11-200, development approval may be suspended or revoked as follows:

(A) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any statute, code, ordinance or regulation pertaining to the use or development of any land for which an approval has been granted under the provisions of this ordinance, or materially fails to comply with any condition proffered or required by the approving agency as part of such approval, the director may suspend or revoke such approval in whole or in part and on such terms and conditions as he deems necessary to effect the cure of such failure to comply.

(B) In the event the director suspends or revokes any approval which has been granted under the provisions of this ordinance, the applicant or his successor in interest may appeal such suspension or

revocation by filing a written notice of appeal with the director, within 15 days of such suspension or revocation, which notice of appeal shall set forth in detail the grounds, if any there be, why such suspension or revocation should be modified or reversed. The appeal shall be heard by the agency that granted the approval in question unless the approval was one granted by the director in which case the appeal shall be heard by the board of zoning appeals. The director shall schedule a public hearing on such appeal, and shall cause notice of such public hearing to be given in accordance with the provisions of section 11-300. On appeal, the director's action may be affirmed, reversed or modified or the matter may be returned to the director for further consideration.

(C) In the event the suspension or revocation of approval entered by the director is affirmed or modified, the applicant or his successor in interest may appeal the decision to the city council. In the event the suspension or revocation is reversed or modified, the city manager or 25 property owners aggrieved by the decision may appeal the decision to the city council. Following the filing of an appeal by such owners, the department of planning and zoning shall verify that those filing are legal property owners. The appeal provided for in this paragraph is not available if city council or the board of zoning appeals was the appellate body under section 11-205(B) above.

(D) Any appeal under section 11-205(C) shall be made in writing and filed with the city clerk within 15 days from the date of the decision on appeal. In the event such an appeal is filed, the city council shall schedule at least one public hearing on the matter and may affirm, reverse or modify the appellate decision or return the matter to the appeals body for further consideration. Notice of the public hearing before council on any such appeal shall be given in accordance with the provisions of section 11-300.

(E) Pending the outcome of any appeal filed under section 11-205(B) and pending the expiration of the appeal period provided in section 11-205(C) or the outcome of any appeal filed under section 11-205(C), as the case may be, the decision of the director shall remain in force and effect.

11-206 *Criminal violations.* Any person who, as the owner of any land, building or structure, or the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, knowingly commits, permits, assists in or attempts any violation of this ordinance, whether by act or omission, which violation results in the injury or

death of any person, or knowingly refuses or neglects to comply with any written order issued pursuant to this ordinance by the director to abate any violation of this ordinance, shall be guilty of a class one misdemeanor.

11-207 Civil violations.

(A) *General.* Any person who, as the owner of any land, building or structure, or the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, who commits, permits, assists in or attempts any of the following violations of this ordinance, whether by act or omission, shall be liable for a civil violation as follows:

(1) Violation of any use or occupancy regulation or performance standard applicable under this ordinance, including the failure to obtain a special use permit where so required: class five civil violation.

(2) Violation of any frontage regulation applicable under this ordinance: class five civil violation.

(3) Violation of any yard regulation applicable under this ordinance: class five civil violation.

(4) Violation of any floor area ratio regulation applicable under this ordinance: class five civil violation.

(5) Violation of any coverage, open space or landscaping regulation applicable under this ordinance: class five civil violation.

(6) Violation of any height regulation applicable under this ordinance: class five civil violation.

(7) Violation of any off-street parking or loading regulation applicable under this ordinance: class five civil violation.

(8) Violation of any floodplain district regulation applicable under section 6-300 of this ordinance: class five civil violation.

(9) Violation of any sign, marquee and awning regulation applicable under sections 9-100, 9-200 or 9-400 of this ordinance: class five civil violation.

(10) Violation of any specific statement, proffer, representation or plan made or submitted in connection with any application, permit or approval granted under the provisions of this ordinance, and violation of any condition imposed by the approving authority: class five civil violation.

(11) Violation of any regulation of this ordinance punishable as a civil violation and not set forth above and not subject to section 11-207(B): class five civil violation.

(12) The transfer, sale, offer to sell, or agreement to sell any land or portion of land by reference to or display of an unapproved and unrecorded plat, regardless of whether the land is described by metes and bounds; class five civil violation.

(B) *Historic districts.* Any person who, as the owner of any land, building or structure located within the Old and Historic Alexandria District, the Parker-Gray District, or listed for preservation pursuant to section 10-300 of this ordinance, or as the agent thereof having possession or control of such property as employee, lessee, tenant, architect, builder, contractor or otherwise, commits, permits, assists in or attempts any violation of article X or section 9-300 of this ordinance, whether by act or omission, shall be liable for a civil violation as follows:

(1) Violation of any sign, marquee, or awning regulation of section 9-300 of this ordinance: class four civil violation.

(2) Violation of section 10-103(A), 10-203(A) or 10-304, involving the construction, alteration or repair of a building or structure for which no building permit under the Uniform Statewide Building Code is required: class three civil violation.

(3) Violation of section 10-103(A), 10-203(A) or 10-304, involving the construction, alteration or repair of a building or structure for which a building permit is required under the Uniform Statewide Building Code: class two civil violation.

(4) Violation of section 10-103(B), 10-203(B) or 10-305, involving the unauthorized demolition of any building or structure: class one civil violation.

(C) *Penalties.*

(1) For a class one civil violation, the penalty for each individual offense shall be $1,500.00.

(2) For a class two civil violation, the penalty for each individual offense shall be $500.00 for the first violation, $1,000.00 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $1,500.00 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(3) For a class three civil violation, the penalty for each individual offense shall be $100.00 for the first violation, $150.00 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500.00 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(4) For a class four civil violation, the penalty for each individual offense shall be $50.00 for the first violation, $100.00 for the second violation of the same regulation or requirement arising from the same set of operative facts, and $500.00 for each additional violation of the same regulation or requirement arising from the same set of operative facts.

(5) For a class five civil violation, the penalty for each individual offense shall be $50.00 for the first violation, and $100.00 for each subsequent violation of the same regulation or requirement arising from the same set of operative facts; provided, however, that in the case of a third violation of a special use permit condition within any one 12-month period, the penalty shall be $500.00.

(6) Each day during which any class one civil violation exists shall constitute a separate individual offense. A class one civil violation shall be deemed to exist until such time as the director certifies to the board of architectural review that the unlawfully demolished building or structure has been reconstructed to the pre-existing footprint, envelope, configuration and appearance, using original materials and techniques of construction to the extent possible; provided, however, that, after a public hearing for which notice has been given pursuant to section 11-300, the board of architectural review may determine that a class one civil violation shall cease to exist at such time as the person responsible therefor shall have paid to the city a sum equivalent to the cost of reconstruction required under this section 11-207(C)(6), such sum to be used exclusively for the purpose of promoting historic preservation within the city as determined by the director. The civil penalty for a class one violation shall in no case exceed the market value of the property, which shall include the value of any improvements together with the value of the land upon which any such improvements are located, and shall be determined by the assessed value of the property at the time of the violation.

(7) Each day during which any class two, three or four civil violation exists shall constitute a separate individual offense.

(8) Each day during which any class five civil violation exists shall constitute a separate individual offense. In no event shall a series of charges for the same class five civil violation arising from the same set of operative facts result in civil penalties which exceed a total of $3,000.00.

(D) *Procedures.*

(1) If the director determines that a civil violation enumerated in section 11-207(A) or (B) has occurred, he may cause a notice of the violation to be served on any or all persons committing or permitting such violation.

(2) The notice shall provide that the person served may elect to make an appearance in person, or in writing by mail, to the treasurer of the city, and admit liability for or plead no contest to the violation, abate the violation, and pay the civil penalty established for the violation, all within the time period fixed in the notice.

(3) If a person charged with a violation does not elect to admit liability or plead no contest, and abate the violation, the violation shall be tried in the Alexandria General District Court upon a warrant in debt or motion for judgment, with the same right of appeal as provided for civil actions at law. In the event the violation exceeds the jurisdictional limits of the General District Court, the violation shall be tried in the Alexandria Circuit Court. In any such proceeding, the interpretation of the zoning ordinance made by the director, by the board of zoning appeals, or by the Alexandria Circuit Court on writ of certiorari to the board of zoning appeals, as the case may be, shall be conclusive.

(4) A finding or admission of liability or a plea of no contest to a civil violation shall not be deemed a criminal conviction for any purpose.

11-208 *Cumulative remedies.* The remedies provided in this section 11-200 are cumulative and not exclusive, and the designation of any violation of the provisions of this ordinance as a criminal misdemeanor or civil violation shall not be construed as prohibiting city officials from initiating appropriate administrative or civil procedures to prevent, correct, restrain or abate violations of this ordinance.

11-209 *Application of new penalties.* The repeal of former zoning code section 7-6-190.4 and section 7-6-214, effective as of October 13, 1990, shall not affect any act or offense done or committed, or any penalty incurred, or any right established or accrued on or before such date, or any proceeding, prosecution, suit or action pending on that date. Neither the repeal of said section 7-6-190.4 or said section 7-6-214, nor the enactment of new sections 11-206 through 11-208 or their immediate predecessors, shall apply to offenses committed prior to October 13, 1990, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this section 11-209, an offense was committed prior to October 13, 1990, if any essential element of the offense occurred prior thereto.
(Ord. No. 3774, § 2, 1-21-95; Ord. No. 3845, § 1, 2-24-96; Ord. No. 3999, §§ 1—3, 5-16-98; Ord. No. 4356, § 1, 6-12-04)

Sec. 11-300 Notice of public hearings.

11-301 *Required notice.* Except as provided in section 11-302 below, written notice, placard notice and newspaper notice shall be given before each public hearing before the planning commission, the city council, the board of zoning appeals, the subdivision committee and the board of architectural review.

(A) *Written notice.* For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, the applicant shall, by registered or certified mail, send written notice at least ten and no more than 30 days prior to the hearing. Restricted delivery or return receipt is not required. For hearings before the board of architectural review, the applicant shall, by first class mail, send written notice at least ten and no more than 30 days prior to the hearing.

(1) *Recipients of written notice.* Written notice shall be sent to the owner of the subject property, if different from the applicant, and to the owners of all abutting property. In the case of a condominium, written notice may be sent to the president of the board of the unit owners' association instead of to each individual unit owner.

(2) *Contents of written notice.* Written notice shall contain the following information:

(a) The time, date and place of all hearings scheduled; and

(b) A description of the matter being heard, including the tax map number of the property and complete street address of the property.

(3) *Certification.* At least five days prior to the hearing, the applicant shall supply the director with a copy of the notice, the names of those persons to whom notice has been given, and copies of the post office receipts for registered or certified mail, if registered or certified mail is required, and shall certify that notice has been sent to those to whom notice is required to be given. The applicant shall use the records and maps maintained by the city's office of real estate assessments to determine the proper recipients of notice and reliance upon such records shall constitute compliance with the requirements of this section 11-301(A).

(4) *Waiver of notice.* A person's actual notice of, or participation in, the proceedings for which written notice is required to be provided by this section shall waive the right of that person to challenge the validity of the proceedings based on a failure to receive such written notice. Any person entitled to receive notice under this section may waive the right to notice by filing a waiver in writing with the director prior to the hearing. No waiver shall be accepted for an applicant's failure to file or to timely file a required certificate.

(5) *Failure to receive notice.* Failure to receive any notice required by this section shall not by itself invalidate any action taken at the hearing for which notice was given.

(B) *Placard notice.* The city shall post placards at least ten days and no more than 30 days prior to the hearing.

(1) *Location of placards.* Placards shall be posted along all street frontages of the property in question with the number of placards posted depending upon the length of street frontage on the lot in question.

(2) *Contents of placards.* Placards shall contain:

(a) The time, date and place of all hearings scheduled; and

(b) A description of the matter being heard.

(3) *Removal of placards.* The city shall remove all posted placards no later than seven days after a final determination has been made on the application in question.

(4) *Destruction of placards.* It shall be unlawful for any unauthorized person to destroy, deface or remove such placard notice. Any person taking such action shall be subject to the penalties set forth in section 11-200 of this ordinance.

(C) *Newspaper notice.* The director shall give newspaper notice at least ten days and no more than 30 days prior to the hearing.

(1) *Type of newspaper.* Notice shall be published in a newspaper of general circulation in the city.

(2) *Contents of newspaper notice.* The notice shall contain:

(a) The time, date and place of all hearings scheduled; and

(b) A description of the matter being heard.

11-302 *Notice requirements for particular hearings.* The following particular public hearings require only the following form of notice:

(A) *Appeals to city council.* Public hearings held on appeals to city council require that the city provide placard notice and newspaper notice of the hearing, as well as written notice to the applicant, the appellant, the recipients of written notice identified pursuant to paragraph (A)(1) of section 11-301 who were sent notice of the hearing before the board or commission from which the appeal was taken, and to persons who are subscribers pursuant to section 11-304. In the case of an appeal brought by a petition of property owners, the petitioners shall designate, in writing to the city clerk, one representative who shall be the recipient of written notice to the appellant. In the absence of such designation, the first name listed on the petition, as determined by the city clerk, shall be the recipient of such notice.

(B) *Text amendments.* Public hearings on zoning amendments to change, alter, modify or repeal the provisions of the text of this ordinance require that the city provide newspaper notice of the hearing.

(C) *New zoning ordinance or map.* Public hearings on the adoption of a new zoning map, a substantially revised zoning map (one which revises the zoning of 500 or more parcels of land), or new or substantially revised regulations for the city as a whole or for the territory included within a small area plan adopted as part of the official master plan of the city require that the city provide newspaper notice of the hearing.

(D) *Master plan amendment.* Public hearings on the adoption of a new or substantially revised official master plan for the city as a whole or for the territory included within a small area plan adopted as part of the official master plan of the city require that the city provide newspaper notice of the hearing.

(E) *Rezoning of 25—500 parcels.* Public hearings on a rezoning that involves more than 25 but fewer than 500 parcels of land require that written notice be sent by first class mail.

(F) *City initiated applications.* Public hearings on a matter initiated by the city, for which the city sends written notice, require that written notice be sent by first class mail, provides that the responsible city employee shall make an affidavit that such mailing has been made, and file same with the papers in the case.

(G) *City provided written notice.* The director shall be responsible for providing the written notice, in addition to the placard and newspaper notice, in the case of an appeal to the board of zoning appeals, the recommended revocation of a special use permit or an appeal to city council.

11-303 Additional notice required.

(A) *Deferral or continuance.* For hearings before the planning commission, the city council, the board of zoning appeals and the subdivision committee, if an item is deferred or continued at the time of the public hearing, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item. For hearings before the board of architectural review, if an item is deferred or continued at the time of the public hearing for a period which exceeds 30 days, then all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if it were a new item.

(B) *Referral.* If a zoning amendment is referred by the city council back to the planning commission, all notices required by this section 11-300 shall be given prior to any subsequent public hearing as if the referred item were a new item.

(C) *Rescheduled hearing.* If the date for a public hearing is changed after notice has been given of the original date and prior to the hearing, all notices required by this section 11-300 shall be given for the rescheduled hearing as if it were a new item.

(D) *Development site plans and development special use permits.* In addition to the notice required by section 11-301, applicants for development site plans and development special use permits, as defined by the director, shall place signs along all street frontages of the development site within five working days of the director's determination that the application is complete.

(1) The signs will clearly indicate that an application has been filed to develop the subject property and shall include a description of the proposed development and contact information for the applicant, in such number, format and size, all as reasonably determined by the director.

(2) The applicant shall reasonably ensure that the required signs remain on display until the public hearings on the application.

(3) As part of the certification of written notice required by section 11-301(A)(3), the applicant shall submit an affidavit to the director stating:

(i) That the required signs have been posted;

(ii) That such signs have, as of the date of the affidavit, remained on display; and

(iii) That the applicant shall maintain such signs on display until the conclusion of the public hearing process.

11-304 *Subscription notice to interested persons.* Notice of the docket of the public hearings pending before the planning commission, city council, board of zoning appeals and board of architectural review will be mailed to any person who obtains a subscription for same by paying the established annual fee.
(Ord. No. 3781, §§ 1—3, 2-25-95; Ord. No. 4000, § 1, 5-16-98; Ord. No. 4271, § 1, 10-19-02; Ord. No. 4281, § 2, 11-16-02)

Sec. 11-350 Required application disclosures.

11-351 *Definitions.* As used in this section 11-350:

(A) "Business or financial relationship" means a relationship that a member of a city approving body or any member of his immediate household has, or has had within the 12-month period prior to a hearing on an application, with the applicant in the case, or with a party with an ownership interest in the applicant or the property that is the subject of the application. This relationship may be:

(1) A direct one;

(2) By way of an ownership entity in which the member or a member of his immediate household is a partner, employee, agent or attorney;

(3) Through a partner of the member or a member of his immediate household;

(4) Through a corporation in which any of them is an officer, director, employee, agent or attorney or holds three percent or more of the outstanding bonds or shares of stock of a particular class. In the case of a condominium, this threshold

shall apply only if the applicant is the title owner, contract purchaser, or lessee of three percent or more of the units in the condominium.

(5) Not as an ordinary customer or depositor relationship with a professional or other service provider, retail establishment, public utility or bank, which relationship shall not be considered a business or financial relationship.

(6) Created by the receipt by the member, or by a person, firm, corporation or committee on behalf of the member, of any gift or donation having a value of more than $100.00, singularly or in the aggregate, during the 12-month period prior to the hearing on the application from the applicant.

(B) "City approving body" means city council, the planning commission, the board of zoning appeals, and the boards of architectural review.

(C) "Application" means any application for any land use or land development approval submitted pursuant to this ordinance which will be considered by a city approving body.

(D) "Ownership interest" in the applicant or the real estate that is the subject of the application means those parties required to be identified under section 11-406(A) of this ordinance.

(E) "Immediate household" means (i) a spouse or life partner and (ii) any other person residing in the same household as the member, who is a dependent of the member or of whom the member is a dependent. "Dependent" means a son, daughter, father, mother, brother, sister or other person, whether or not related by blood or marriage, if such person receives from the member, or provides to the member, more than one-half of his financial support.

11-352 Requirements.

(A) Each application shall identify any party having an ownership interest in the applicant or the real estate that is the subject of the application.

(B) A party having an ownership interest in the applicant or the real estate that is the subject of an application shall make full public disclosure of any business or financial relationship that the party has at the time of the application, or has had within the 12-month period prior to the submission of the application, with any member of a city approving body.

(C) A party acquiring an ownership interest in the applicant or the real estate that is the subject of any application shall have an affirmative duty to make full public disclosure of that as soon as is reasonably possible after such acquisition, and must be disclosed prior to any public hearing on the application.

(D) Any disclosure required by this section shall be in the manner and on the forms provided by the director.

(E) No disclosure shall be required when the applicant is the federal government, a state, or a political subdivision of the Commonwealth of Virginia.

11-353 *Voting.* Any member of a city approving body who has or has had a business or financial relationship subject to the disclosure requirements of section 11-350 shall be ineligible to vote or participate in any way in consideration of the application. A member of a city approving body who has received a campaign contribution is eligible to vote or participate in consideration of the application if the contribution has been disclosed as required by law.

11-354 *Violations.* Any person who knowingly and willfully violates the provisions of this section 11-350 shall be guilty of a Class 1 misdemeanor.

11-355 *Preemption.* The provisions of this section preempt any conflicting provisions of law, general or special, except that any provision of the State and Local Government Conflict of Interests Act, (§ 2.2-3100 et seq.) of the Code of Virginia that is more stringent than the provisions of this section 11-350 shall not be preempted.

11-356 *Validity of actions of approving body.* In the event of a violation of this section is discovered after a vote or decision by an approving body, the vote or decision of that body shall remain a valid action thereof provided that 1) the approving body had a quorum without counting the member who should have, but failed to, recuse himself under this section; and 2) there were sufficient votes under the applicable bylaws or rules of procedure for the approving body for it to take the action decided upon without counting the vote of an member who should have, but failed to, recuse himself under this section.

(Ord. No. 4639, § 1, 12-12-09; Ord. No. 5027, § 2, 6-18-16)

DIVISION B. DEVELOPMENT APPROVALS

Sec. 11-400 Site plan.

11-401 *Purpose.* The purpose of this section 11-400 is to ensure that the use and development of land as authorized in the zoning ordinance is undertaken

in an orderly and proper manner that furthers the public health, safety and welfare and makes adequate provision for assuring the availability of appropriate public and private services and amenities and for minimizing the adverse effects of such development.

11-402 *Administration.* The director has the duty and responsibility to administer and enforce the provisions of this section 11-400 and the authority to establish rules and regulations to do so. To the extent delegated herein, other department directors shall have the duties and responsibilities provided and the authority to establish rules and regulations to administer such responsibilities. The director or the head of any other department referred to in this section 11-400 may delegate in writing to an employee under his supervision any of the functions hereunder for which the director or such department head is responsible. These provisions of section 11-400 are included here for administrative convenience; they derive from section 9.33 of the charter and are technically not part of the zoning ordinance for purposes of section 9.12 of the charter.

11-403 *Approved site plan required.* No permit shall be issued to erect or alter any building or structure or alter the grade of any land that is subject to this section 11-400 until a site plan has been submitted and approved.

(A) *Construction of buildings.* Unless exempted pursuant to section 11-404, it shall be unlawful for any person to construct or erect any building or structure on any land within the city until a site plan has been submitted and approved.

(B) *Enlargement of buildings.* Unless exempted pursuant to section 11-404, it shall be unlawful for any person to alter any building or structure on any land within the city in such manner as to increase the floor area or change the land area covered by the building or structure until a site plan has been submitted and approved.

(C) *Alteration of grade, etc.* Unless exempted pursuant to section 11-404, it shall be unlawful for any person to alter the grade of any land in such a manner as to change existing contours in excess of two feet within ten feet of adjacent land, or in excess of three feet elsewhere, construct any streets, alleys, sidewalks, curbs or gutters, build any retaining walls, construct any off-street parking facility, construct any drain or sewer or change or divert the flow of storm water or natural watercourses until a site plan has been submitted and approved.

(D) *Land within archeological resource areas.* It shall be unlawful for any person to conduct or permit any ground disturbing activity on land subject to the provisions of section 11-411 until a site plan has been submitted and approved.

(E) *Compliance with site plans.* It shall be unlawful for any person to construct, erect or alter any building or structure or develop, change or improve land for which an approved site plan is required, except in accordance with the approved final site plan.

11-404 *Development exempt from site plan requirement.* The prohibitions of section 11-403(A), (B) and (C) shall not apply to:

(A) The contemporaneous development of fewer than three dwelling units. It is the intent of this section 11-404(A) that these site plan regulations not apply to individual single-family, two-family or townhouse units developed or improved independently notwithstanding the terms of the other exemptions or the fact that such units were originally subject to a site plan. It is the further intent of this section 11-404(A) that this exemption not be undermined by purposeful piecemeal development; the term "contemporaneous development" includes development under common ownership or control or the subject of a common, concerted or coordinated plan or schedule of development irrespective of ownership or control.

(B) Additions to buildings where the total gross floor area of the proposed addition does not exceed one-third of the total gross floor area of the existing building or 3,000 square feet, whichever is smaller, or, where additions are proposed to two or more buildings located on the same lot, the aggregate proposed additions do not exceed one-third of the total gross floor areas of the existing buildings or 3,000 square feet, whichever is smaller. In calculating the size of any addition, replacement floor area shall be included.

(C) New buildings where the total gross floor area does not exceed 3,000 square feet; provided no part of any building is closer than 66 feet to other land that is used or zoned residential, there is no excess alteration of the grade as set forth in section 11-403(C), the site is not in a floodplain, and the site is not in excess of 10,000 square feet. In calculating the size of any new building, replacement floor area shall be included.

(D) Improvements for off-street parking purposes when appurtenant only to existing buildings, where access will be provided by

existing driveways, and where the improvements do not provide more than five parking spaces. The total number of additional parking spaces provided under this exemption shall not exceed five, all of which shall comply with applicable provisions of Article VIII.

(E) Grading of open areas, either by excavation or fill, for the sole purpose of bringing the land to a grade compatible with the surrounding area, provided that the director of transportation and environmental services finds, on an inspection of the site, that the grading will have no adverse affect on the land of adjoining owners, will not encroach on or impair existing drainage channels or floodplains and will not cause problems of erosion, ponding or silting on adjoining properties.

(F) Improvements of the city including but not limited to streets, bridges, alleys, sidewalks, curbs, gutters, retaining walls or sewer improvements, but not including buildings, structures or parking lots.

11-405 *Site plan classification.* Site plans shall be classified as preliminary site plans and final site plans. Preliminary site plans and final site plans may be combined and treated as a final site plan in either of the following instances, provided all the information required by this section 11-400 for both classes of plans is included and the procedure for processing preliminary site plans is followed:

(A) When a preliminary site plan has been approved and a change in part of the project is desired; or

(B) When a project embraces no more than three separate buildings or structures, no dedication or reservation of public streets through or within the project is required, the project does not embrace more than two acres of land, and the project does not include land in more than one zone classification.

11-406 *Contents of preliminary site plan application.*

(A) An application for preliminary site plan approval shall be submitted by the owner, contract purchaser, lessee or other party having a legal interest in the subject property on such forms as the director shall prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such

entities is a corporation or a partnership, in which case only those persons owning an interest in excess of three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-406(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

(B) The preliminary site plan shall be prepared under the responsible charge of a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both. No fewer than 20 prints of the preliminary site plan at a scale of not less than 100 feet to the inch shall be submitted with the application. Print size shall not generally exceed 24 by 36 inches.

(C) An application for preliminary site plan approval shall include the following information and material:

(1) The name and address of the developers.

(2) The name, address, signature and registration number of the professionals responsible for preparing the plan.

(3) The present zoning of the site and abutting property.

(4) General alignment and lengths of all streets and all property lines.

(5) Date, scale and north point with reference to source of meridian.

(6) All building restriction lines, highway setback lines, easements, covenants, reservations and rights-of-way.

(7) The total land area.

(8) The topography of existing ground and paved areas, and elevations of streets, alleys, utilities, sanitary and storm sewers, buildings and structures. Topography is to be shown by dashed lines illustrating two foot standard contour intervals except where in the opinion of the director of transportation and environmental services five foot intervals would be satisfactory, and by spot elevations where necessary to indicate flat areas, all based on U.S. Coast and Geodetic Survey datum, or city datum where the former are not available.

(9) A five by seven inch space for the signed approval of the planning commission and the director and the director of transportation and environmental services.

(10) A location map locating the site in relation to the nearest intersection of two or more streets at a scale that can be easily traced.

(11) A complete narrative description of the proposed development.

(12) Archaeological evaluation reports and resource management plans as may be required by section 11-411.

(13) In the case of any land or use for which a special use permit or conditional zoning has been granted, any information reasonably necessary to demonstrate compliance with the conditions imposed as part of such approval.

(14) Building massing studies sufficient to show the mass and orientation of any proposed buildings and their relationship to nearby buildings and, if required by the director of planning and zoning in the following cases, a model:

(a) Site plans subject to the pre-application requirements of section 11-407(A); or

(b) Site plans which include nonresidential land which is adjacent to land zoned or used for residential use.

(15) In the case of any proposed building over 50 feet in height, a profile (section) drawing showing the location and height of each building in the development, as well as each building on adjacent sites.

(16) A list of all modifications of the applicable zone regulations which are sought as part of the application pursuant to section 11-416, the rationale for each and the features of the development which compensate for the impacts otherwise protected by said regulations.

(17) Any other information that may reasonably be required by the director or the director of transportation and environmental services to determine that the application is in compliance with all codes and ordinances of the city.

(D) The preliminary site plan shall show the general location, dimensions, size and height of the following when existing:

(1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.

(2) Buildings and structures.

(3) Public sewer systems.

(4) Slopes, terraces and retaining walls.

(5) Driveways, entrances, exits, parking areas and sidewalks.

(6) Water mains and fire hydrants.

(7) Major trees and shrubs.

(8) Recreation areas and swimming pools.

(9) Natural and artificial watercourses and bodies of water and wetlands.

(10) Limits of floodplains.

(11) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.

(12) Significant geological features.

(13) When known, areas that can reasonably be expected to or which do contain soils or materials contaminated with but not limited to heavy metals, petroleum products, PCB's, pesticides, flyash, or other toxic or hazardous materials.

(14) When known, underground storage tanks.

(15) When known, areas located within 1000 feet of a former sanitary landfill, dump or disposal area.

(16) When known, areas with the potential of generating combustible gases (i.e. methane).

(E) The preliminary site plan shall show the general location, dimensions, size and height of the following regarding the proposed development:

(1) Sidewalks, streets, alleys, easements and utilities, including street lighting and underground conduits for street lighting.

(2) Buildings and structures with entrances and exits identified.

(3) Public sewer systems.

(4) Slopes, terraces and retaining walls.

(5) Driveways, entrances, exits, parking areas and sidewalks.

(6) Water mains and fire hydrants.

(7) Methods to control erosion on slopes of 25 percent or more.

(8) Recreation areas and swimming pools.

(9) Natural and artificial watercourses and bodies of water.

(10) Distances between buildings.

(11) Calculations of the following:

(a) Number of dwelling units;

(b) Number of parking spaces;

(c) Number of loading spaces; and

(d) Square feet of floor space.

(12) Plans for collecting and depositing storm water and the method of treatment of natural and artificial watercourses, including a delineation of proposed limits of floodplains, if any.

(13) A general indication of proposed grading, surface drainage, terraces, retaining wall heights, grades on paved areas and ground floor elevations of proposed buildings and structures, shown by two foot or five foot contours, as required by the director, and approximate elevations.

(14) A landscape plan showing all natural or landscaped areas, including the general location, names and area coverage of trees, shrubs and ground cover to be planted, the areas to be retained in natural vegetation, noting total existing crown

area of trees being retained, and means of compliance with each of the landscaping requirements of section 11-410(CC).

(15) Fire hydrants, street lighting, underground conduits for street lighting and street trees on public rights-of-way immediately adjacent to site.

(16) Any locations intended for the outdoor display or storage of goods and merchandise.

(17) Underground plans showing location of existing and proposed poles, transformers and switches.

(18) Types of materials to be used for proposed improvements within the public right-of-way.

(19) Plans to remediate, remove, or control on site any contaminated soils, materials, underground storage tanks, combustible gases, or old landfills, dumps or disposal areas.

(20) Plans for minimizing the impact on existing or developing wetlands or for the creation of new wetlands.

(F) All documents and information submitted as part of an application for preliminary site plan approval constitute a statement by the applicant that he intends and agrees to be bound to develop in accord with such information upon approval.

(G) The preliminary site plan shall be accompanied by the fee prescribed pursuant to section 11-104.

11-407 *Procedures for processing site plan application.* The following procedures shall govern the processing and review of applications for site plan approval.

(A) *Pre-application requirements.*

(1) *Conceptual review conference.* The purpose of the conceptual review conference and subsequent follow-up meetings is to allow the director to ensure that the City's policies regarding land use planning and zoning, and building footprint, height, density, mass and scale, are met before an applicant prepares a specific site design for a project. No matters discussed at this meeting shall be binding on either the applicant or the city. No fewer than 90 days prior to filing an application which includes a preliminary site plan, an applicant for any of the following projects shall meet with the director to discuss the applicant's intentions with regard to the proposed development:

(a) A project within a coordinated development district;

(b) A project which requires a master plan or zoning amendment;

(c) A project which requires a special use permit for increased floor area ratio, density or building height;

(d) A project which requires a transportation management special use permit;

(e) A project which requires a parking or open space reduction;

(f) A project in a historic district, or

(g) A project on property which includes environmentally sensitive lands, including resource protection areas, or wooded sites or steeply sloped sites as defined by the director by general rule.

(2) *Pre-application conference.* No fewer than 30 days prior to filing an application for preliminary site plan approval, an applicant shall meet with the director to discuss the applicant's intentions with regard to the proposed development and the requirements of this section 11-400, and other city requirements related to land use and site development. It is the intention of this section 11-407(A)(2) that this meeting shall be held prior to the time when the site plan and application for site plan approval are prepared. No matters discussed at this meeting shall be binding on either the applicant or the city.

(B) *Filing application.*

(1) An application for site plan approval shall be filed with the director and shall contain the information specified in section 11-406.

(2) No application shall be accepted and reviewed unless determined to be complete by the director. A complete application is one which includes the minimum submission requirements expressly listed in section 11-406. Each application shall be reviewed to determine if it includes the minimum submission requirements and notice regarding the completeness of the application shall be mailed to the applicant.

(C) *Reserved.*

(D) *Staff report and recommendation.* The director shall prepare a staff report for the planning commission on each application which report shall include all staff comments and analysis, including any report and recommendation prepared by another

department, and a recommendation for approval, for approval with conditions or for disapproval. If the director disagrees with the recommendations of another department, the report to the planning commission shall so indicate and the reasons for disagreeing shall be given.

(E) *Review by planning commission.* The director shall see that all required staff and committee reviews are completed and that the application is docketed for the planning commission to act.

(F) *Changes to application.* If an applicant submits materials to supplement its application prior to final action by the planning commission, the director shall review the additional material to determine whether additional staff time is necessary to assess the application. If additional time is necessary, the director may extend the review period accordingly, or, in the event of a major revision, may require that a new application be filed.

11-408 Reserved.

Editor's note—Ord. No. 4281, § 5, adopted Nov. 16, 2002, repealed section 11-408, notice of site plan coordinating committee, in its entirety.

11-409 Action on site plans.

(A) *Action on preliminary site plan.*

(1) The planning commission shall hold a public hearing and act on the application for preliminary site plan approval by approving or disapproving the plan or approving it with conditions, required revisions, additions or changes. In the case of disapproval, the commission shall give its reasons therefor. Two copies of the site plan shall be returned to the applicant with the date of approval or disapproval noted thereon over the signature of the director. Any action by the planning commission shall be entered in the minutes of the commission.

(2) Reserved.

(B) *Standard for approval by planning commission.* An applicant for preliminary site plan approval shall demonstrate to the satisfaction of the commission that:

(1) The applicable factors of section 11-410 have been appropriately considered in the site plan;

(2) The development will not adversely affect the public health safety and welfare; and

(3) The application complies with all provisions of this ordinance and all applicable laws.

(C) *Appeal of action on preliminary site plan.*

(1) The planning commission's approval or disapproval of a preliminary site plan or combined site plan may be appealed to the city council by the applicant, by the city manager, by an owner of property located within 1,000 feet of the boundaries of the site plan property, or by a group who submits a petition signed by at least 25 property owners or residents of the city. The appeal shall be made in writing, shall state clearly the grounds of the appeal and shall be filed with the city clerk within 15 days after the decision is announced. Following the filing of such an appeal, the director shall verify that each person filing the appeal has the right of appeal as set forth in this subsection. The filing of an appeal shall stay the effect of site plan approval by the planning commission.

(2) Whenever an appeal is filed, the commission shall forward the record and its reasons for approval or disapproval to the city council, which may be in the form of the transcription of the public hearing, and shall designate at least one member of the commission to appear before the city council at the public hearing.

(3) In the event an appeal is filed, the city council shall schedule at least one public hearing on the matter. The council shall review the record, documents and actions taken by the planning commission and may take additional evidence if necessary for complete and competent review of the issues before it. The council may affirm, reverse or modify the decision of the commission or vacate and remand the matter to the commission for further consideration.

(4) The issues on appeal shall be limited to the grounds identified in the appeal papers filed with the city clerk. The proposed use shall not be grounds for appeal.

(5) The council's action on appeal may be reviewed by appeal to the circuit court to determine whether substantial evidence exists to support the decision of council provided the appeal to court is filed within 60 days of the council action.

(D) *Action on final site plan.*

(1) If a preliminary site plan is approved, or approved with modifications, and no appeal as provided in section 11-

409(C) is taken, the applicant shall cause a final site plan to be prepared by a professional engineer or land surveyor duly authorized by the Commonwealth of Virginia, or, if required by the director, by both, and to be submitted to the director for consideration. Final site plans shall be on reproducible permanent base material and shall be on sheets which shall not exceed 24 × 36 inches in size. The plan may show only part of the land designated on the preliminary site plan if desired. The original tracing and 20 prints of the final site plan shall be at a scale no smaller than one inch to 40 feet unless, in the opinion of the director, a one inch to 50-foot scale would be satisfactory where detail is not necessary.

(2) The final site plan shall show all of the information required by sections 11-406(C) through (E) for preliminary site plans, but the information shown shall be specific, precise and accurate to usual and recognized professional standards and not general in nature. Calculations of storm water runoff shall be submitted. The final site plan submission shall include test borings and soil tests, when the subject property contains marine clay or fill or when otherwise found necessary by the director of transportation and environmental services, including proposals for sheeting, shoring, dewatering, excavating, foundation design and backfilling. Final site plans shall be checked for compliance with preliminary site plans previously approved and the requirements of this section 11-409(D). If the director and the director of transportation and environmental services find that a final site plan complies in all respects, they shall indicate their approval thereon and submit it to the chairman or vice-chairman of the commission for approval. The date of the final approval signature shall be noted on the plan.

(3) If the director or the director of transportation and environmental services find that a final plan does not comply with a previously approved preliminary site plan or the provisions of this section 11-409(D), the applicant shall be so advised, and shall be allowed to either bring the final plan into compliance in all respects, submit a new preliminary site plan for processing as if no plan had been previously considered, or withdraw his application without refund of fees.

(4) The director shall release the approved final site plan to any applicant who has complied with all applicable requirements.

11-410 *Site plan requirements.* In reviewing an application, the planning commission shall consider those factors listed below which it determines to be applicable in a given case.

(A) The application shall comply with the provisions of this ordinance and all other ordinances of the city and of any other applicable laws.

(B) The site plan shall be in reasonable conformity with the master plan of the city.

(C) Adequate provision shall be made to ensure that the massing, location and orientation of buildings and uses, and the engineering design and location of roadways, parking, pedestrian amenities, open space and other site features are adequately related to each other and are compatible with and do not adversely affect the surrounding property and the character of the neighborhood.

(D) Reasonable provision shall be made to ensure that development will be served by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, schools, and public transportation.

(E) Each building or structure shall be reasonably accessible to fire, police, emergency and service vehicles. When deemed necessary for access by the fire chief or the director of transportation and environmental services, emergency vehicle easements shall be provided. The access for fire, police and emergency vehicles shall be unobstructed at all times.

(F) Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding property and the neighborhood.

(G) Adequate provision shall be made for at least the required amount of open space in a configuration that makes that open space usable, functional, and appropriate to the development proposed.

(H) The width, grade, location, alignment and arrangement of streets, sidewalks and alleys shall conform to the master plan of the city as near as reasonably practicable.

(I) Off-street parking facilities shall have a reasonable slope and be accessible, safe and properly drained.

(J) Streets, sidewalks and alleys shall, insofar as reasonably practicable, provide access and good traffic circulation to and from adjacent lands, existing streets, alleys and sidewalks.

(K) Provision shall be made to ensure that adequate access roads or alleys or entrance or exit drives will be provided and will be designed and improved so as to prevent traffic hazards or problems and to minimize traffic congestion in public streets and alleys.

(L) Adequate provision shall be made to ensure that the vehicular circulation elements of the proposed development will not create hazards to the safety of vehicular or pedestrian traffic on or off the site, disjointed vehicular or pedestrian circulation paths on or off the site, or undue interference and inconvenience to vehicular and pedestrian travel.

(M) Adequate water mains and fire hydrants shall be provided in accessible places in accordance with good fire fighting and fire prevention practice acceptable to the chief of the fire department.

(N) Adequate provision shall be made for the collection and disposition of all on- and off-site storm water and natural water, including but not limited to on-site drainage retention facilities. Natural drainage ways shall be used when it is reasonably practicable to do so and improvements shall be made to the ways in accordance with good engineering practice when in the opinion of the director of transportation and environmental services good engineering practice indicates improvements.

(O) Adequate provision shall be made for the collection and disposition of all on- and off-site sanitary sewage, which disposition is to be by connection to existing separated sanitary sewer lines.

(P) Adequate provision shall be made to avoid an increase in hazard to adjacent property from flood, increased runoff or water damage, including hazards to sidewalks from roofwater.

(Q) The obstruction of natural watercourses shall be avoided.

(R) No building for any residential use shall be allowed within a 100 year floodplain, unless there is first a change in elevation placing the lowest habitable floor of any building above the floodplain and unless the waterway involved has been improved in accordance with good engineering practice acceptable to the director of

transportation and environmental services. This requirement shall not be construed to allow buildings in flood plains where the city council by ordinance or resolution has declared otherwise.

(S) Adequate provision shall be made to control the slippage, shifting, erosion, accretion and subsidence of soil.

(T) Adequate provision shall be made to control the slipping and shifting of buildings and structures.

(U) Adequate provision shall be made to protect other lands, structures, persons and property.

(V) Adequate provision shall be made to clean, control and otherwise alleviate contamination or environmental hazards on land when the site is in an area found by the director of transportation and environmental services to be contaminated by a toxic substance or otherwise to contain environmental hazards which are detrimental to the public health, safety and welfare.

(W) Adequate provision shall be made to ensure that development as shown by the site plan, will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural, topographic, scenic or physical features of the site.

(X) Adequate provision shall be made for lighting as shall be determined by standards established by the city council of all parking areas, roadways and walkways between public streets and parking lots and any buildings open after dark.

(Y) Adequate provision shall be made to avoid glare of vehicular and stationary lights that would affect the established character of the neighborhood, and to the extent such lights will be visible from any residential zone, measures to shield or direct such lights so as to eliminate or mitigate such glare shall be taken.

(Z) Adequate provision shall be made to ensure that the location, lighting and type of signs and the relationship of signs to traffic-control is appropriate for the site and will not have an adverse affect on any adjacent properties.

(AA) Adequate provision shall be made in the designs for buildings or structures to afford appropriate protection against the accumulation of hazardous quantities of combustible gases.

(BB) Adequate provision shall be made to minimize the impact on existing or developing wetlands.

(CC) Adequate minimum landscaping shall be provided as follows:

(1) All landscaping, including without limitation the utilization of reference standards and landscape plan submission requirements, protection and preservation of existing vegetation, specification of plant material in general and for street trees and parking areas, calculation of crown coverage, design and specification of bioretention plantings, and maintenance of plantings, shall be provided and performed as specified in guidelines prepared and maintained by the director of recreation, parks and cultural activities. The guidelines shall be known as the City's Landscape Guidelines, shall be made available to the public and shall be used by applicants in the preparation, submission for approval, execution and maintenance of landscape improvements, including as required by this section 11-410(CC).

(2) Area coverage of trees to be planted, together with the existing crown area of those retained, shall occupy at least 25 percent of the total land area of the proposed project. With the approval of the planning commission, up to 50 percent of the required landscaping may consist of new trees planted on adjacent public right-of-way or other public land or of on-site, roof-top, deck or plaza plantings; provided that, in the case of uses in certain zones which are permitted to cover 100 percent of the total land area of the proposed project, up to 100 percent of the required landscaping may consist of new trees planted on adjacent public right-of-way or other public land or of on-site, roof-top, deck or plaza plantings, with the approval of the planning commission. Total land area for purposes of this paragraph shall be the area shown on the site plan as the area of the site plan under consideration. All proposed plantings, including, but not limited to, shade trees, ornamental trees, evergreen trees, shrubs, groundcovers and turf grasses to be planted, shall be provided in accordance with the Landscape Guidelines.

(3) The planning commission or city council on appeal may require screening on-site plans where a commercial or industrial use abuts a residential use or is directly across the street or other public right-of-way from a residential use. The screening may be composed of either plant or man-made materials. Where plant material is required, it may be included as part of the 25 percent area coverage of trees and shrubs required in section 11-410(CC)(1) above.

(4) Approved measures and methods shall be provided to preserve and protect existing vegetation from damage during construction and to protect vegetation in the public right-of-way. Methods for preservation and protection shall be approved by the director of recreation, parks and cultural activities in accordance with the Landscape Guidelines.

(5) Any parcel proposed to be used for the outdoor display or storage of motor vehicles shall be required at a minimum to contain a landscaped buffer at a depth of six feet and a minimum height of three feet located along those streets upon which such parcel has frontage.

(6) (a) Where nonstructured surface parking areas are provided, they shall be designed with planting areas in the surface area at intervals to be determined by the director of recreation, parks and cultural activities and the director of transportation and environmental services. The planting areas shall be in the form of curbed space of sufficient size to permit the planting of trees and shrubs which may overhang the curbed space without damage from cars.

(b) Where a required surface parking lot abuts a public road or sidewalk, there shall be provided a landscaping strip at least six feet in width between the abutting right-of-way and the parking lot.

(c) Area coverage of trees or shrubs planted in the breaks and strips may be calculated as part of the landscaping required by section 4-110(CC)(1) above.

(7) The location and type of all ground cover proposed to be planted on all disturbed areas of the site shall be indicated but this paragraph shall not operate as a limitation upon any landscaping that city council may require as a condition attached to a special use permit.

(8) In addition to the provisions of this section 11-410(CC), further requirements relating to street trees within the site and on public rights-of-way adjacent to the site are set forth in section 11-412(D)(6).

(9) Where trees are to be planted within the public right-of-way, they shall be planted in appropriate tree wells and provided protection as determined to be necessary and appropriate by the director of recreation, parks and cultural activities.

11-411 *Archaeological protection.*

(A) *Archaeological resource areas.* A preliminary site plan which includes land designated as a potential resource area on the City of Alexandria Archaeological Resource Map, shall include reasonable archaeological evaluation reports and resource management plans when required under this section 11-411. The archeological resource map, which is on file in the office of the director of historic Alexandria and the office of the city archaeologist is hereby made a part of this ordinance.

(B) *Application.* This section 11-411 shall apply to all applications for preliminary or combined site plan or other development approval, otherwise subject to its provisions, which are filed subsequent to September 16, 1989.

(C) *Administration.* This section 11-411 shall be administered by the director of the office of historic Alexandria who may adopt reasonable procedures for its administration, consistent with applicable law.

(D) *Preliminary archeological assessment.* Prior to filing an application for approval of a preliminary site plan to which this section 11-411 applies, the applicant shall confer with the director of the office of historic Alexandria in order for the director to conduct a preliminary assessment of the potential archaeological significance of any site plan area designated on the map, and of the impact of any proposed ground disturbing activities on such area. The applicant shall provide full and accurate information as to all ground disturbing activities proposed to be conducted on the site.

(E) *Criteria for preliminary assessment.* Such preliminary archaeological assessment shall be based upon the following criteria, and shall be conducted consistent with professionally recognized standards for archaeological site evaluation:

(1) *Research value.* The extent to which the archaeological data that might be contained on the property would contribute to the expansion of knowledge.

(2) *Rarity.* The degree of uniqueness the property's resources possess and their potential for providing archaeological information about a person, structure, event or historical process, for which there are very few examples in Alexandria.

(3) *Public value.* The level of importance the property has to the community as a location associated with a significant person, structure, event or historical process.

(4) *Site integrity.* The extent to which soil stratigraphy and original placement and condition of archaeological resources on the property have not been disturbed or altered in a manner which appreciably reduces their research or public value.

(5) *Presence of materials.* The extent to which archaeological resources or evidence of historic structures are present on the property.

(6) *Impact on resources.* The extent to which any proposed ground disturbing activities will alter or destroy resources which the director has determined to have substantial archaeological significance under sections 11-411(E)(1) through (5) above.

(F) *Finding of archeological significance.*

(1) If, at the conclusion of the preliminary archaeological assessment, the director of the office of historic Alexandria determines either that the site plan area has no substantial archaeological significance, or that the proposed construction or development will not have a substantial adverse impact on any known or potential archaeological resources, the director of the office of historic Alexandria shall so certify to the planning commission, and no further review under this section 11-411 shall be required.

(2) If, at the conclusion of the preliminary archaeological assessment, the director of the office of the historic Alexandria determines that the site plan area has potential archaeological significance, and that the proposed development will have a substantial adverse impact on any known or potential archaeological resources, the applicant shall submit an archaeological evaluation report and a resource management plan as part of the preliminary site plan application.

(3) The director of the office of historic Alexandria shall render a determination in writing, within seven working days after

receiving the information, unless written consent to extend such period is given by the applicant.

(G) *Archeological evaluation report and resource management plan.*

(1) When required under the provisions of this section 11-411, the applicant shall submit as part of the preliminary site plan application an archaeological evaluation report and a resource management plan, prepared by a qualified archaeologist or historian in conformity with professionally recognized standards for cultural resource management. The applicant or the authorized agent thereof shall confer with the director of the office of historic Alexandria prior to preparing any submission to define and agree upon guidelines for such report and plan.

(2) Such archaeological evaluation report shall include detailed evaluation of the archaeological significance of the site plan area, including but not limited to reasonable measures for historic research, archaeological surveys and test excavations.

(3) Such resource management plan shall include reasonable measures for the study and preservation of archaeological resources found within the site plan area, including but not limited to test and full-scale excavations, site construction monitoring, field recording, photography, laboratory analysis, conservation of organic and metal artifacts, curation of the collection (e.g., artifacts, notes, photographs) and preparation of reports.

(4) Such resource management plan may, and if required by the planning commission or city council shall, also provide reasonable measures for further archaeological study, restoration, reconstruction, disposition of recovered artifacts to an appropriate public or private collection or museum, and *in situ* preservation of archaeological resources found within the site plan area.

(H) *Review of archeological evaluation report and resource management plan.*

(1) The archaeological evaluation report and resource management plan shall be reviewed and approved, disapproved or approved with modifications or conditions or both as part of the site plan review process.

(2) In the event a site plan application and review is required exclusively on account of ground disturbing activities not otherwise subject to such application and review, then and in such an event, notwithstanding any other provisions of this ordinance, the required site plan application and review shall be limited to the purposes and requirements of this section 11-411, and the application fee shall be as prescribed pursuant to section 11-104.

11-412 Required improvements.

(A) *Private improvements required.* As part of site plan approval, a development may be required to include improvements such as pedestrian walkways, vehicular travel lanes or driveways, parking areas, fences, walls, curbs and gutters, signs, lighting, screening, landscaping or such other improvements, facilities and services as the planning commission finds are reasonable and appropriate to service the site or for the accommodation of persons visiting, living or working thereon.

(B) *Maintenance of private improvements.* The owner of any building, structure or land for which a site plan is approved shall maintain those improvements in such condition as to assure public safety and the general welfare. It is the purpose of this section 11-412(B) to assure that those improvements, facilities and services which are intended for public or quasi-public use or for the protection of neighboring properties, and which are not dedicated or otherwise transferred to and accepted by the city, are maintained in a condition as will permit their intended purposes to continue to be fully served.

(1) Whenever any of those site improvements, facilities or services set out in the site plan fall into disrepair, the director of transportation and environmental services shall give the owner or his agent written notice thereof; the notice shall require remedial action within 30 days from the receipt of the notice and shall state that if no such action is taken, the city will take action itself, bill the owner for the costs and collect the costs like taxes in the event of nonpayment by the owner. Mailing to the last known post office address shall constitute sufficient notice to owners who cannot be found after a reasonably diligent search or who are nonresidents of the city.

(2) Whenever the owner refuses, neglects or fails to take the required remedial action after being notified in the manner

prescribed in section 11-412(B)(1) above, the director of transportation and environmental services may cause the remedial action to be taken. The expense thereof shall be computed, and a bill for the expense shall be prepared by the department of finance and mailed to the owner at the owner's last known post office address within a reasonable time after the repair.

(3) In the event the city does not receive payment of the bill within 30 days after mailing, a duplicate statement of the bill shall be forwarded by the director of finance, who shall see that the expense is charged to the owner and collected in the same manner as city taxes. Every charge for which the owner of any property shall have been assessed and which remains unpaid shall be recorded with the clerk of the circuit court and thereafter constitute a lien against the property.

(4) Failure by the owner or his agent to take remedial action under this section 11-412(B) constitutes grounds for revocation of all city approvals regarding the land involved.

(C) *Bonding of private improvements.* The planning commission may specify improvements for which a guarantee by the applicant is necessary in order to cover the cost of construction and installation in those cases where the public health, safety and welfare would be jeopardized without the improvements or the city otherwise placed at risk of completing them. Where a guarantee is required, the provisions of section 11-414(B) shall apply.

(D) *Public improvements required.* The planning commission may require that such public improvements and dedications be made as are necessary for the public health, safety and welfare to include, without limitation, the following:

(1) The planning commission shall require the dedication of an area of land 60 feet wide within the site from property located in the R-20 through the R-2-5 zones inclusive, and 66 feet wide within the site from property located in all other zones, for the installation of public streets, sidewalks, curbs and gutters when the commission finds that any such improvement is necessary to properly service the site.

(2) The planning commission shall require the dedication of new streets within the site or the extension of existing streets within the site to the width called for by section 7-5-28 of the

city code when the dedication would constitute a part of the major thoroughfare plan of the city and the commission finds that any such improvement is necessary to properly service the site.

(3) The planning commission shall require from the site the dedication of one-half of the land necessary for the installation of public streets, sidewalks, curbs and gutters to the 60 or 66 foot width required above when an existing street abutting a site is of less width than that so required and the commission finds that such improvement is necessary to properly service the site.

(4) The planning commission shall require from the site the dedication of one-half of the land necessary for the installation of public streets, sidewalks, curbs and gutters to the width called for by section 7-5-28 of the city code when an existing street abutting a site is of less width than that required by such section, when any dedication would constitute a part of the major thoroughfare plan of the city and when the commission finds that any such improvement is necessary to properly service the site.

(5) The planning commission may require such other transportation improvements as may be provided for in Virginia Code § 15.1-498.1.

(6) The planning commission, in the case of any site having 50 feet or more of frontage along a public street within or adjacent to such site, shall require the provision of fire hydrants, underground utilities and street trees in appropriate planters with adequate protection as determined by the department of parks, recreation and cultural activities, all to be placed along dedicated public rights-of-way within the site and immediately adjacent to the site when the commission finds that any such improvement is necessary to properly service the site.

11-413 *Cost of public improvements.*

(A) The planning commission shall require payment in full or guarantee of payment in full of all costs or a proportionate share of costs for the construction and installation of landscaping, public streets, alley, sidewalks, curbs, gutters, sewers, drains and other public improvements, facilities or services within an approved site plan, subject however to the following minimum schedule:

(1) *Local streets or alleys within site:* All costs.

(2) *Collector or arterial street within site:* All cost of sidewalk, curb, gutter, driveway and grading and 36 foot wide pavement in single- and two-family zones or 44-foot-wide pavement in multifamily, mixed-use, commercial and industrial zones. Pavement in excess of these requirements will be installed at city cost.

(3) (a) *Streets abutting site:* All cost of curb, gutter, sidewalks, driveways and grading on abutting side. Paving of the traveled way will be installed at city cost.

(b) *Exception:* All costs when an additional lane or service road is required to service the site.

(c) Width of streets shall be governed by the requirements of section 7-5-28 of the city code.

(4) *Storm and sanitary sewers:* All costs, including sewers required to serve upper areas of drainage shed and including the cost of connecting to an existing separated sanitary sewer line, unless a hardship as described in section 5-6-25 of the city code is found in which case the planning commission may waive this requirement and approve the site plan with conditions otherwise appropriate, including the payment of a pro rata share of the cost of connection.

(5) *Natural streams and channels:* Where a natural stream or channel abuts or crosses the site and a portion of the site to be used is within the floodplain of the stream or channel, the owner or developer shall be required at his expense to improve the stream or channel to the extent necessary to provide sufficient waterway to carry the projected 100-year flood for the stream or channel.

(6) (a) *Natural or landscaped open space:* All costs of landscaping, including new trees and shrubs, surface or ground treatment, and protection and preservation of existing ground cover, trees and plants as shown on the landscape plan as part of the approved preliminary site plan. When both site plans and erosion and sedimentation control plans are required to be submitted for a development tract of land, at least the minimum cost of replacement trees, as specified in the city erosion and sedimentation control handbook tree replacement guidelines for any trees designated to be retained in compli-

ance with the preliminary site plan crown area coverage requirements of section 11-410(CC).

(b) A 100 percent bond or escrow for all landscaping shall be required and retained by the city until such time as a minimum of 90 percent of the planting, including any replanting, shall have survived for a period of three years. Replacement landscaping shall be installed during every intervening fall and spring planting season until the three year/90 percent survival requirement is met. Nothing in this section 11-413(A)(6)(b) shall relieve an applicant, owner or successor in interest of its requirement to provide and maintain required landscaping in perpetuity.

(7) *Fire hydrants, underground conduits for street lighting and street trees, both on site and on public rights-of-way adjacent to site:* All costs.

(B) A corporate surety bond, letter of credit, certificate of deposit or similar financial guarantee for at least the sum estimated to be the full cost of the improvements, of a company authorized to do business in the state, or a cash escrow for the estimated full amount of improvements, shall be deemed to be a satisfactory guarantee.

11-414 As built site plan required.

(A) It shall be unlawful for any person to occupy, or cause to allow to be occupied, any building, structure or portion thereof or use, or cause or allow to be used any land for which a site plan is required by this ordinance until an as built site plan has been approved by the director of transportation and environmental services.

(B) Upon satisfactory completion of the installation of the improvements shown on the approved site plan or a section thereof, the owner, developer or his authorized agent shall submit to the director of transportation and environmental services ten copies of an as built site plan certified by a person duly certified by the state and licensed to practice under the provisions of sections 54-17.1 to 54-41 of the Code of Virginia, as amended, for review and approval for conformity with the approved site plan by the appropriate city departments. The director of transportation and environmental services shall approve an as built site plan within ten days of the receipt of the plan or advise the applicant of deficiencies. No as built site plan shall be approved until the

building, structure and site involved shall comply in all respects with the approved site plan or section thereof. Two inspections for compliance may be made of an entire site plan or a section thereof without cost to the applicant. The applicant shall pay a fee of $50.00 for any additional inspection. No performance bond, certified check or other guarantee shall be released until the as built site plan has been approved by the director of transportation and environmental services. Every approved as built site plan shall be dated, state that the building, structure and the land involved complies with all provisions of this ordinance and be signed by the director of transportation and environmental services. A record of all as built site plans issued shall be kept on file in the office of the director of transportation and environmental services. One copy of the approved as built site plan shall be sent to the applicant.

11-415 *Amendment to approved site plan.* Any change to the terms of an approved final site plan requires that an amended site plan application be filed and that the amended site plan be reviewed and approved, pursuant to the provisions of this section 11-400. Minor modifications may be approved by the city manager, upon the recommendation of the director of transportation and environmental services and the director of planning and zoning.

11-416 *Modifications.*

(A) *Modification of zoning regulations.*

(1) In approving a site plan under the provisions of this section 11-400, the planning commission may modify the minimum frontage, yard, open and usable space, zone transition setback or other minimum requirements imposed by this ordinance for the zone or zones applicable to the land depicted in the site plan, or the requirements of section 11-410(CC), if the planning commission determines that such modification is necessary or desirable to good site development, that specific and identified features of the site design make up for those impacts otherwise protected by the regulations for which modification is sought and that such modification will not be detrimental to neighboring property or to the public health, safety and welfare. For modifications of the requirements of section 11-410(CC) the planning commission must also determine that the modification will not violate the intention of section 11-410(CC) to require a reasonable amount of landscaping.

(2) Nothing in this section 11-416 shall be deemed to authorize the planning commission to approve a site plan under the provisions of this section 11-400 when the building or structure would exceed the maximum floor area ratio, maximum density or maximum height regulations of the zone or zones in which such development is located, or the maximum floor area ratio, density or height regulations otherwise provided in this ordinance. Rather, it is the intent of this section 11-416 to allow regulations expressed as minimums such as yard dimensions to be relaxed in the proper case but not to allow regulations expressed as maximums such as density to be increased. Where the distinction between minimum and maximum is unclear, such as in the case of density expressed in terms of both minimum lot area and maximum floor area ratio or units per acre, then no modification shall be allowed.

(B) *Exclusive remedy.* Relief from the zoning ordinance available from the planning commission under this section 11-416 may not be the subject of an application for a variance from the board of zoning appeals with regard to development or construction that is, or is required to be, the subject of an approved site plan or that is a condition of a site plan approval.

(C) *Applicability to SUP applications.* In addition to the above provisions, a modification under this section 11-416 may be approved in the case of a special use permit application under section 11-500, whether or not a site plan is required or included in the application. In such case, all restrictions and requirements for site plan modifications in sections 11-406(C)(16) and 11-416(A)(1) and (2) apply, but final action will be by the city council and not the planning commission.

11-417 Effect of site plan approval.

(A) The approval of a site plan under this section 11-400 shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including, without limitation, a building permit or a certificate of occupancy.

(B) Once a site plan has been approved, such approval acts to supersede all prior site plan approvals for the same land area.

11-418 Time of validity.

(A) A site plan or development special use permit approved pursuant to the provisions of this section 11-400 shall expire and become

null and void as to any uncommenced construction and any uncompleted construction, unless substantial construction of the project approved in such plan is commenced within 36 months after initial planning commission approval of the plan, or council approval in case of appeal, and such construction is thereafter pursued with due diligence; provided, that upon petition by the plan applicant, property owner or any successor in interest, filed with the director of planning and zoning prior to the expiration of the period herein limited, including expiration occasioned by any interruption in substantial construction activity on a building of more than 12 consecutive months and, in case of a multi-building project, any interruption in substantial construction activity of more than 24 consecutive months between the substantial completion of one building and the commencement of substantial construction of another building, and after notice and public hearing, the planning commission may, for good cause shown, enlarge the period in which construction must be commenced or amend the requirement for due diligence in the pursuit of construction. As used in this ordinance, due diligence means action characterized by the steady, earnest, attentive, energetic and successful or productive marshalling and application of all necessary resources and efforts in order to construct and complete an approved project.

(B) Notwithstanding any contrary provision of this ordinance, the period of validity of any other permit or plan associated with such site plan or development special use permit and approved pursuant to this ordinance shall be extended to run and expire concurrently with the site plan or development special use permit.

(C) The amendment extending site plan or development special use permit validity to 36 months in subsection (A) and the provisions of subsection (B), above, shall apply to all site plans and development special use permits approved on and after April 1, 2009.

(D) In addition and notwithstanding the provisions of subsections (A), (B) and (C) above, any site plan or development special use permit that has received approval prior to April 1, 2009, and remains in valid force and effect on such date shall expire and become null and void as to uncommenced or uncompleted construction unless substantial construction is commenced on or before March 31, 2012, and thereafter pursued with due diligence. Any other permit or plan approved pursuant to this ordinance and associated with a site plan or development special

use permit extended by this subsection shall likewise be extended to run and expire concurrently with such site plan or development special use permit.

(E) During the period of validity established by this section, the property subject to the site plan or development special use permit, including all buildings existing or under construction, on which substantial construction work is not actually proceeding, shall be maintained in good order and repair, in compliance with all applicable provisions of this ordinance and the city code, and in addition shall be maintained so as to prevent blight or other substantial detrimental impacts on surrounding property.

(F) Evidence that substantial construction activity is proceeding on a building without any interruption of 12 or more consecutive months and, in the case of a multi-building project, is proceeding without interruption of 24 or more consecutive months between the substantial completion of one building and the commencement of substantial construction of another building shall constitute prima facie evidence of due diligence. Such evidence of due diligence may be rebutted by evidence that the work is not in fact steady, earnest, attentive, energetic and successful or productive. Evidence that substantial construction activity on a building has been interrupted for more than 12 consecutive months or, in the case of a multi-building project, has been interrupted for more than 24 consecutive months between the substantial completion of one building and the commencement of substantial construction of another building shall constitute prima facie evidence of a failure to maintain due diligence. Evidence of such failure may be rebutted by evidence that the interruption in substantial construction activity is proximately caused by a change in circumstances or mistake. Such change in circumstances shall be limited to a change which substantially affects the ability of the applicant, owner or any successor in interest to maintain due diligence and which could not reasonably have been anticipated at the time of site plan approval, and shall without limitation encompass change in the economic factors which affect the development of land (e.g., availability of financing, interest rates, market absorption). Such mistake shall be limited to an error or omission in the material facts or assumptions regarding the land or its physical conditions relied upon by the applicant at the time of site plan approval, which mistake substantially affects the ability of the applicant, owner or any successor in interest to maintain due diligence. Mistake shall not encompass errors in judgment, and

the applicant and any successor in interest are charged with all knowledge reasonably attainable at the time of site plan approval.

(G) When the director of planning and zoning makes a finding that a site plan has become null and void by operation of the provisions of sections 11-418 (A) through (E), he shall notify the applicant by mail at his last known address, and likewise notify any known successor in interest and the owner of the property as determined from the real estate assessment records of the city. The applicant, owner or any successor in interest who is aggrieved by, and desires to contest, such finding shall file a petition with the director of planning and zoning specifying the grounds of such contest within 30 days after the mailing of such notice. Thereafter, the planning commission shall proceed to decide, after notice and public hearing, whether the site plan has become null and void under the provisions of sections 11-418(A) through (E). In any such proceeding, the petitioner shall have the burden of proving the continuing validity of the site plan approval. In the event no such petition is timely filed, the director of planning and zoning's finding shall become final and shall not be subject to further review.

(H) Any person aggrieved by a decision of the planning commission made under section 11-418 (A) or section 11-418 (G) may appeal the decision to the city council, provided that the appeal is filed in writing, stating the reasons therefor, with the city clerk, within 15 days after the planning commission decision is announced. The appeal shall be accompanied by the fee established pursuant to section 11-104. In the event an appeal is filed, the city council shall schedule at least one public hearing on the matter. The council may affirm, reverse or modify the decision of the commission, or return the matter to the commission for further consideration.

(I) Fees and contributions paid by the applicant to the city in connection with a project, except application and on site inspection fees, shall be proportionately refunded if a site plan or development special use permit expires under the provisions of this section.

11-419 Application to site plans previously filed.

(A) Notwithstanding any contrary provision of law, it shall be unlawful for any person after June 24, 1992 to commence or recommence the construction, enlargement or alteration of any building

or structure, or to continue to construct, enlarge or alter any building or structure, or to develop, change or improve land, for which an approved site plan is required under the provisions of this section 11-400 pursuant to any site plan approved on or before February 23, 1985, unless either (1) a new site plan for such construction, enlargement or alteration, or development, change or improvement, which site plan complies with all provisions of law in effect at the time of approval, shall have been approved by the planning commission or city council on appeal, or (2) the person is able to proceed with such construction, enlargement or alteration, or development, change or improvement by virtue of a vested right established pursuant to section 1-600 to do so. No variance, special use permit, plot plan, certificate of appropriateness, erosion control permit, demolition permit, building or construction permit, certificate of use and occupancy, or other land use, land development or building permit shall be issued, reissued or renewed for such construction, enlargement or alteration or development, change or improvement, unless and until compliance with the provisions of this section shall have been had.

(B) This section 11-400 shall apply to all site plans heretofore approved, to all site plan applications pending before the planning commission, city council, or a court of competent jurisdiction on June 24, 1992, and to all site plan applications filed after said date; provided, that any site plan approved after February 23, 1985, and before June 24, 1992, as to which substantial construction on a building has commenced, but has been suspended, interrupted or abandoned for at least one full month immediately prior to June 24, 1992, and remains suspended, interrupted or abandoned on June 24, 1992, shall continue in full force and effect in the event substantial construction is recommenced on or before June 24, 1993, and is thereafter pursued with due diligence; provided further, that any site plan for a multi-building project approved after February 23, 1985, and before June 24, 1992, as to which one or more buildings have been substantially completed on June 24, 1992, shall continue in full force and effect in the event substantial construction on another building is commenced on or before June 24, 1993; and provided further, that no provision of this section 11-400 shall be deemed to revive or continue in force and effect any site plan which had, prior to June 24, 1992, expired by operation of law, or to allow the period of validity of any such expired site plan to be extended by the planning commission or city council.

(C) Notwithstanding any contrary provision of law, any site plan approved by the planning commission on October 2, 1984, shall be subject to the provisions of subsection (B) of this section.

11-420 *Relation of chapter to other laws.* The provisions contained in this section 11-400 shall be considered separate from, supplemental to and additional to the provisions contained elsewhere in the city code or other city ordinances. Nothing contained in this section 11-400 shall excuse any person from compliance with all other applicable provisions of the city code. Nor shall compliance with any other provision of the city code excuse any person from compliance with the provisions of this section 11-400.
(Ord. No. 3616, § 1, 2-20-93; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3982, § 1, 3-14-98; Ord. No. 4019, § 1, 9-12-98; Ord. No. 4281, §§ 2—6, 11-16-02; Ord. No. 4588, § 3, 4-28-09; Ord. No. 4866, § 1, 4-12-14; Ord. No. 5027, § 2, 6-18-16)

Sec. 11-500 Special use permits.

11-501 *Authority.* The city council may approve an application for a special use permit provided for in this ordinance if the proposed location is appropriate for the use and if the proposed use or structure will be designed and operated so as to avoid, minimize or mitigate any potentially adverse effects on the neighborhood as a whole or other properties in the vicinity.

11-502 *Application of section.* This section 11-500 provides those procedures and considerations which apply on review of an application for any special use permit and may be supplemented by other provisions of this ordinance depending upon the nature and scope of the use for which permission is sought.

11-503 *Procedure.*

(A) *Application.* An application for a special use permit shall be submitted to the director on such forms as the director may prescribe and shall include the following:

(1) A statement identifying the applicant, who shall be the owner, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an

interest in excess of three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-503(A)(1), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

(2) A map showing the location of the property in question as well as all property within 300 feet of the boundaries of the property for which the special use permit is sought, including as to all property identified, the following information:

(a) Existing uses;

(b) Existing zoning;

(c) Land use designation contained in the master plan.

(3) A detailed description of the operation of the proposed use.

(4) Plans to control any potential impacts of the proposed use on the nearby community, including:

(a) Noise.

(1) Noise levels anticipated from all mechanical equipment.

(2) A statement as to whether the anticipated noise complies with the levels permitted by chapter 5 of title 11 of the city code.

(3) Plans to control these anticipated noise levels.

(4) Plans to control noise levels emanating from patrons.

(b) Odors. Methods to be used to control odors emanating from the use.

(c) Trash and litter.

(1) The type and volume of trash and garbage the proposed use will generate.

(2) The planned frequency of trash collection.

(3) Planned methods to prevent littering on the property, streets and nearby properties.

(d) Loading/unloading.

(1) Availability and adequacy of off-street loading facilities.

(2) Hours and frequency of off-street loading.

(e) Parking.

(1) Location of parking either on the site or within 300 feet of the site.

(2) Number of spaces available to serve residents, employees and patrons during the hours of operation.

(f) Streets. The design capacity of all streets providing access to the property.

(g) Use capacity.

(1) The estimated number of patrons, clients, pupils and other such users.

(2) The proposed number of employees, staff and other personnel.

(h) Hours. The proposed hours and days of operation of the use.

(i) Signs. Existing and proposed signage to be erected or utilized on the property.

(j) Hazardous materials. Name, monthly quantity and specific disposal method of any state or federally defined hazardous materials or waste to be handled, stored, or generated on the property.

(k) Organic compounds. Name, monthly quantity and specific disposal method of any paint, ink or lacquer thinner, cleaning or degreasing solvent to be handled, stored, processed or generated on the property.

(l) Security. Methods proposed to ensure the safety of residents, employees and patrons.

(5) Where new construction is proposed, a site plan consistent with the requirements for same in section 11-400 shall be submitted and reviewed and approved as part of the special use permit application and pursuant to the procedures and standards of this section 11-500.

(6) Plans and other documents exhibiting compliance with any other requirements contained in this ordinance for the special use proposed.

(7) Such additional plans and information as the director determines are necessary and desirable for adequate review.

(8) The fee prescribed by section 11-104.

(B) *Review by staff.* The director shall review the application to determine if the application's contents are complete and adequate for appropriate review and shall send the application to other relevant departments for their review and recommendation. Upon receipt of the departments' recommendations, the director shall prepare a staff report indicating the departments' judgment on the merits of the application. If the director does not agree with a recommendation prepared by another department, that recommendation shall be set down separately and the reasons for the director's disagreement shall be included in the report.

(C) *Docketing.* At the time the director determines that an application is complete, he shall schedule the matter for public hearing before the planning commission and shall confer with the city manager who shall schedule the matter for public hearing before the city council.

(D) *Recommendation by planning commission.* The planning commission shall hold a public hearing, shall review the application and shall recommend to the city council that the application be approved, disapproved, or approved with conditions. The planning commission shall submit its recommendation to the city council together with its reasons therefor not later than three days prior to the city council hearing on the application. If the planning commission determines that it requires additional information in order to render its decision, it may defer action on the application in order to receive such information.

(E) *Action by city council.* The city council shall hold a public hearing, shall review the application and recommendation of the planning commission and shall act on the application by approving it, disapproving it, or approving it with conditions. If the city council determines that it requires additional information in order to render its decision, it may defer action on the application in order to receive such information.

(4573, § 1, 12-13-08)

11-504 Considerations on review.

(A) The city council may approve the application, provided all regulations and provisions of law have been complied with, if it finds that the use for which the permit is sought:

(1) Will not adversely affect the health or safety of persons residing or working in the neighborhood of the proposed use;

(2) Will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood; and

(3) Will substantially conform to the master plan of the city.

(B) In reviewing the application, the city council may take into consideration the following factors where it determines that such factors are relevant and such consideration appropriate:

(1) Whether the proposed use will adversely affect the safety of the motoring public and of pedestrians using the facility and the area immediately surrounding the site.

(2) Whether the glare of vehicular and stationary lights will affect the established character of the neighborhood, and to the extent such lights will be visible from any residential zone, whether measures to shield or direct such lights so as to eliminate or mitigate such glare are proposed.

(3) Whether the street size and pavement width in the vicinity is or will be adequate for traffic reasonably expected to be generated by the proposed use.

(4) Whether the location and type of signs and the relationship of signs to traffic-control is appropriate for the site and whether such signs will have an adverse effect on any adjacent properties.

(5) Whether adequate access roads or entrance or exit drives will be provided and will be designed so as to prevent traffic hazards and to minimize traffic congestion in public streets and alleys.

(6) Whether the proposed use will adequately provide for safety from fire hazards, and have effective measures of fire control.

(7) Whether the proposed use will increase the hazard to adjacent property from flood, increased runoff or water damage.

(8) Notwithstanding any other provisions of the city code, whether the proposed use will have noise characteristics that exceed the sound levels that are typical of permitted uses in the zone.

(9) Whether the proposed use will interfere with any easements, roadways, rail lines, utilities and public or private right-of-way.

(10) Whether the proposed use will have any substantial or undue adverse effect upon, or will lack amenity or will be incompatible with, the use or enjoyment of adjacent and surrounding property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety and general welfare.

(11) Whether the proposed use will be constructed, arranged and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable zone regulations.

In determining whether the proposed use will so dominate the immediate neighborhood, consideration may be given to:

(a) The location, nature, height, mass and scale of buildings, structures, walls, and fences on the site; and

(b) The nature and extent of landscaping and screening on the site.

(12) Whether the proposed use will destroy, damage, detrimentally change or interfere with the enjoyment and function of any significant topographic or physical features of the site.

(13) Whether the proposed use will result in the destruction, loss or damage of any natural, scenic or historic feature of significance.

(14) Whether the proposed use otherwise complies with all applicable regulations of this ordinance, including lot size requirements, bulk regulations, use limitations, and performance standards.

(15) Whether off-street parking and loading areas will be provided in accordance with the standards set out in Article VIII of this ordinance, and whether such areas will be screened from any adjoining residential uses and located so as to protect such residential uses from any injurious effect.

(16) Such other land use and land development considerations the city determines are appropriate and relevant to the application under review.

11-505 *Conditions and restrictions.* In approving a special use permit, the city council may impose any conditions and restrictions that it determines are necessary and desirable to ensure that the use will further those considerations enumerated in section 11-504. If imposed, such conditions shall become part of the legal requirements of the special use permit and violations of or failure to conform to such conditions shall constitute violations of this ordinance and constitute cause to revoke the permit.

11-506 *Duration of valid permit.*

(A) *Revocation and suspension.* After notice and a public hearing, the city council may revoke or suspend any special use permit approved by it upon proof that the holder of the permit has failed to comply with any law, including, without limitation, the conditions subject to which the special use permit was granted.

(B) *Termination of use.* A special use permit shall cease to be valid if the use for which such permit is granted is not operated for a continuous period of two years or more.

(C) *Commencement of use required.*

(1) Use without new construction. A special use permit granted under this section 11-500 that does not involve new construction shall become void unless operation of the use is commenced within a period of 18 months from the date that the permit was approved and is thereafter diligently pursued. If an application to extend a special use permit is filed with the director prior to the expiration of its term, and after compliance with the notice and hearing requirements for an original special use permit application, the city council may grant an 18 month extension of the permit.

(2) Use with new construction.

(a) Construction to begin within 36 months. A special use permit approved pursuant to the provisions of this section 11-500 that involves new construction shall expire and become null and void as to any uncommenced construction and any uncompleted construction, unless substantial construction of the project approved in such permit is commenced within the period established pursuant to section 11-418 of the ordinance unless the permit is one that involves more than seven acres and the applicant requests and council approves a different time period.

(b) Extension of time allowed under certain conditions. An extension of time may be permitted by city council under the same conditions and procedures as those provided for in section 11-418(A).

(c) Evidentiary standards for "substantial construction" and "due diligence." As used in this section 11-506, the terms "substantial construction" and "due diligence" shall have that meaning provided in section 11-418(E).

(d) Finding that permit has expired. The procedures by which the director may make a finding that a special use permit has expired and by which that finding may be challenged shall be those provided in section 11-418(G).

(e) Application to site plans approved as part of special use permit. The provisions of this subsection shall control

the validity of all site plans, preliminary, final or combined, approved as part of a special use permit, and no such site plan shall continue in force and effect beyond the expiration of the special use permit by which such site plan was approved.

(f) Refund of fees. Fees and contributions paid by the applicant to the city in connection with a project, except application and on-site inspection fees, shall be proportionately refunded if a special use permit expires under the provisions of this section.

(3) "New construction" defined. For purposes of this section 11-506(C), the term "new construction" shall mean that construction, development or improvement which requires the approval of a site plan pursuant to section 11-403.

(4) Application to previously issued permits. The provisions of this section 11-506(C) shall apply to all special use permits approved after April 1, 2009, and to any application for an extension of a special use permit, regardless of when approved, properly filed after April 1, 2009.

11-507 *Reconsideration.* If an application for a special use permit is denied by city council, neither the planning commission nor city council shall consider an application for the same special use on the same site again within one year of the date of denial unless the new application differs in a substantial and material way from the prior one, in which case it may be reconsidered after six months.

11-508 *Effect of approval of a special use permit.* The issuance of a special use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing and processing of applications for any permits or approvals which may be required by the codes and ordinances of the city, including but not limited to an approved final site plan, a building permit, a certificate of occupancy and subdivision approval.

11-509 *Changes in nature or extent of permitted use.* For any use that now requires a special use permit, whether or not a special use permit has been granted previously, any change in the nature of the use or any enlargement, extension or increase in the intensity of that use shall require a separate special use permit issued by the city council, unless the change qualifies for administrative approval as a minor change to an approved special use permit under section 11-511.

11-510 Display of certificate.

(A) The owner or occupant of any property for which a special use permit has been approved shall appropriately locate and display in a conspicuous and publicly accessible place a copy of the special use permit certificate provided by the city. Such certificate shall inform the public of its right to examine the list of conditions associated with the permit. A copy of the list of conditions associated with the permit shall be kept on the premises and made available for examination by the public upon request.

(B) Unless otherwise provided in the special use permit, the provisions of this section 11-510 shall apply to special use permits issued under the provisions of sections 11-600 (residential cluster development) and 12-400 (use of substandard lots in certain residential zones) only during the period of construction of the use authorized by such permit. The period of construction shall extend from the first issuance of a grading or building permit until such time as the last final certificate of occupancy required in connection with the use is issued.

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.*

(1) *Change in ownership.* Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant after determining that there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.

(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.

(e) The proposed change does not amend or delete conditions that were included to address community concerns.

(3) *Special events.* Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of an event, promotional program or city-sponsored festival in which the business is participating. The procedures required under this section 11-511 shall not apply in such cases.

(B) *New conditions.* New conditions or amendments to existing conditions may be added if they are either:

(a) Standard conditions promulgated by the director, approved by city council and agreed to by the applicant in writing; or

(b) Such additional conditions as the director finds necessary for the public benefit, in keeping with the use and the special use permit approved therefor, and agreed to by the applicant in writing.

(C) *Procedure.*

(1) The director shall placard the property, cause email notice to the affected civic and business associations, send eNews or equivalent electronic notice, and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.

(2) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.

(3) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.

(4) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal with the department of planning and zoning within 30 days from the date of the decision appealed. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The planning commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

11-512 *Separate permit not required.* No special use permit shall be required for the following development features when the location, size and design is included as part of a site plan or special use permit approval:

(A) Temporary trailer used for model sales offices in conjunction with a construction project;

(B) Tandem and reduced size parking spaces in conjunction with single-family, two-family and townhouse projects; and

(C) Increase in height of a mechanical penthouse when necessary in order to meet the minimum needs of a building.

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.

(A) *Jurisdiction and procedures for administrative approval.*

(1) An applicant for an administrative SUP under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.

(2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic and business associations by email, by eNews or equivalent electronic notice, and prominently posted on the department web page in a list of pending administrative applications for review by the public. Such notice shall be given at least 21 days prior to the approval of an amendment under this section. The public may submit comments to the director regarding the application.

(3) The application shall be reviewed for compliance with this section 11-513 as well as with applicable provisions of section 11-500.

(4) As an alternative to an administrative approval, an applicant may choose to seek special use permit approval pursuant to section 11-500 of the zoning ordinance.

(5) After review the director may approve, approve with conditions, or deny the application. An approval by the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply.

(6) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the proposal will not be compatible with the adjacent and surrounding properties, if the applicant fails to meet the standards for the permit, if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it

is determined that there are criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.

(7) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et seq. of this ordinance, except that such appeal shall be heard by the planning commission.

(B) *Appeals.*

(1) Any person or civic or business association affected by a decision of the director issued pursuant to section 11-513(A)(5) may appeal the decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the director within 30 days of the issuance of the decision.

(2) The planning commission shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(1), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the planning commission may affirm, reverse or modify the decision of the director, or vacate the decision and remand the matter to the director for further consideration.

(3) Any person affected by a decision of the planning commission issued pursuant to section 11-513(B)(2) may appeal the decision to the city council, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the city clerk within five days of the issuance of the decision.

(4) The city council shall conduct a public hearing on any appeal filed pursuant to section 11-513(B)(3), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the council may affirm,

reverse or modify the decision of the commission, or vacate the decision and remand the matter to the planning commission or the director for further consideration.

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

(1) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-511 of this ordinance.

(2) The applicant shall provide information about alternative forms of transportation to access the location of the use, 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 or to carpool when 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.

(4) At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.

(5) The applicant shall require its employees who drive to work to use off-street parking.

(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.

(7) 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.

(9) 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.

(10) 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.

(11) 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.

(12) 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.

(13) 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.

(14) 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.

(15) The request will not significantly and negatively impact nearby residential neighborhoods.

(16) 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.*

(1) The facility shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

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

(3) The facility shall be located on a site so that adequate distance or buffering is provided to protect nearby residential uses from impacts from the use.

(E) *Specific standards for live theater:*

(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;

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

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

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

(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;

(b) The market master or his/her designee 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;

(c) The market master 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;

(d) The market master 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.

(G) *Specific standards for outdoor garden center:*

(1) The site for the outdoor garden center may be no larger than 10,000 square feet.

(2) The hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Saturday, and from 8:00 a.m. to 8:00 p.m. on Sunday.

(3) A plan showing the layout of the garden center, including areas for storage, on site deliveries, and vehicles; appropriate screening; the design of any building or structure; and

the view from Mount Vernon Avenue and neighboring properties shall be submitted for review and approval by the director.

(4) Deliveries shall be limited to during normal business hours and shall occur in the location shown in the approved plan.

(5) The use shall be located a suitable distance or otherwise protected from nearby residential uses in order to avoid undue impacts.

(H) *Specific standards for outdoor display* Notwithstanding any contrary provisions of this ordinance, the display of goods from a retail sales establishment is permitted, subject to the following:

(1) The requirements of section 4-107(A) shall apply.

(2) Only goods from the adjacent store are permitted to be displayed.

(3) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.

(4) No sales may occur in the outdoor display area.

(5) The outdoor display area may include no structures or other permanent changes to the exterior.

(6) There shall be no music, speakers, or amplified sounds associated with the outdoor display.

(7) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.

(8) The outdoor sales may not encroach into the public right-of-way.

(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.

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

(4) 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.

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

(6) 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.

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

(J) *Specific standards for light automobile repair.*

(1) Repair work done on the premises shall be limited to light automobile repair.

(2) No repair work shall be done outside.

(3) No junked, abandoned, or stripped vehicles shall be parked or stored outside.

(4) No vehicles shall be loaded or unloaded on the public right-of-way.

(5) No debris or vehicle parts shall be discarded on the public right-of-way.

(6) No vehicles shall be displayed, parked, or stored on a public right-of-way.

(7) No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.

(8) The area around the building shall be kept free of debris and maintained in an orderly and clean condition.

(9) All waste products including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged to the sanitary or storm sewers.

(10) The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES Engineering division (703)383-4327 to obtain a copy of the manual.

(11) The applicant shall control odors, smoke and any other air pollution from 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.

(12) Car wash discharges resulting from a commercial operation shall not be discharged into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

(K) *Specific standards for animal care facility with overnight accommodations.*

(1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding boarding establishments.

(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.

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

(5) Meals ordered before the closing hour may be served, but no new patrons may be admitted, 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.

(6) 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.

(7) Restaurants with a minimum of 20 seats may offer delivery service which shall be limited to two delivery vehicles, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.

(8) Full alcohol service, consistent with a valid ABC license is 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.

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

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

(11) 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.

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

(13) 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.

(14) Nightclub entertainment is not permitted, as defined in section 2-190.2;

(15) 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.

(16) 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.

(2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.

(3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted require no additional dedicated off-street parking spaces and are separate from the indoor seats.

(4) The 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. Within the NR Zone, 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).

(5) No live entertainment shall be permitted in the outdoor seating area.

(6) Outdoor seating areas shall not include advertising signage, including on umbrellas.

(7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.

(8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the director may reasonably require.

(9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.

(10) Reserved.

(11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.

(N) *Specific standards for valet parking.*

(1) The applicant shall submit a detailed plan for approval by the director and the director of transportation and environmental services. The plan shall include the following at a minimum:

(a) The location of the drop off area as well as the location for the parked vehicles to be stored;

(b) The proposed days and hours of operation of the valet parking plan;

(c) The number of spaces available at the vehicle storage site, which shall be of sufficient capacity for the use or uses from which vehicles will be valeted;

(d) Adequate assurance that the owner and operator of the vehicle storage site is agreeable to the proposed valet plan;

(e) The size and design of the drop off site and identification of any on street parking spaces that will be lost during the period that the valet parking plan is in effect, such spaces to be kept to a minimum;

(f) Demonstration that the location of the drop off site will not interfere with traffic, remaining parking, bus stops, or transit passengers or pedestrians;

(g) The proposed graphics for the drop off site, including signage and uniformed staff, with sufficient visibility but designed to be compatible with the streetscape as determined by the director;

(h) The proposed number of attendants, which shall be sufficient to adequately staff the operation; and

(i) If the proposed valet plan includes more than one business, the identity of the party or entity responsible for compliance with the approved valet parking plan.

(2) No vehicle shall be parked or temporarily stored by an attendant on streets, sidewalks.

(3) No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the Old and Historic Alexandria district board of architectural review.

(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.

(5) 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:

(a) Business professional offices;

(b) Catering;

(c) Church;

(d) Convenience store;

(e) Day care center;

(f) Health and athletic club;

(g) Massage establishment;

(h) Medical care facility;

(i) Medical laboratory;

(j) Medical office;

(k) Personal service establishments;

(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:

(1) Obtain all required state, federal and local licenses and certificates prior to opening its place of business;

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

(3) Be located so as not to create obvious conflicts between children and dangerous or otherwise inappropriate uses.

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

(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:

(1) Comply with the requirements in section 7-500(A);

(2) Obtain all required state, federal and local licenses and certificates prior to operation;

(3) Unless exempted by section 11-513(R)(4) below, provide a minimum of 75 square feet of outdoor play area for each child above the age of two, and the play area shall be:

(a) Shown on the recorded plat of the lot in question; and

(b) Fenced unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards;

(4) No play area shall be required when the child care home is located within 500 feet of a park or playground that has sufficient capacity to accommodate the children and for which the park owner's permission has been obtained; and

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

(S) *Specific standards for automobile and trailer rental or sales area.* Each use shall:

(1) Limit the parking lot for parking of vehicles in conjunction with the business;

(2) Not perform any repair work on the site;

(3) Maintain adequate appearance of the site;

(4) Park all stored vehicles off-street and not in any portion of public way;

(5) Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and

(6) For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

(T) *Specific standards for motor vehicle parking or storage for more than 20 vehicles.* Each use shall:

(1) Limit the parking lot for parking of vehicles in conjunction with the business;

(2) Not perform any repair work on the site;

(3) Maintain adequate appearance of the site;

(4) Park all stored vehicles off-street and not in any portion of public way;

(5) Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and

(6) For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

(U) *Specific standards for trailers at public schools.*

(1) The administrative special use permit approval shall expire five years from the date of approval;

(2) All classroom trailers shall be located so as to reduce visibility from public rights-of-way and from nearby residentially zoned properties, and the design for trailers shall be compatible with applicable historic district and/or Master Plan design guidelines to the satisfaction of the director of planning and zoning;

(3) Loudspeakers shall be prohibited from the exterior of the building, and no amplified sounds shall be audible at the property line;

(4) Parking and circulation must be to the satisfaction of the director of transportation and environmental services;

(5) Impacts to parking that meets recreational needs during non-school hours should be minimized; and

(6) Trailers shall not be used for storage purposes.

11-514 *City Code residential permit parking program restrictions.* A development special use permit approval that includes a condition prohibiting residents from obtaining parking permits pursuant to the residential permit parking program in the City Code shall not prohibit those residents from obtaining visitor, guest or business/contractor permits/passes pursuant to the rules of section 5-8-74(2), (3) and (4) of the City Code.
(Ord. No. 3675, § 1, 10-16-93; Ord. No. 3711, §§ 1, 2, 3-19-94; Ord. No. 3712, § 1, 3-19-94; Ord. No. 3774, § 2, 1-21-95; Ord. No. 3800, §§ 3, 4, 5-13-95; Ord. No. 3923, § 7, 4-12-97; Ord. No. 4040, §§ 1, 2, 4-17-99; Ord. No. 4356, §§ 1, 2, 6-12-04; Ord. No. 4373, §§ 1, 2, 1-25-05; Ord. No. 4588, § 4, 4-28-09; Ord. No. 4573, § 1, 12-13-08; Ord. No. 4634, § 1, 11-21-09; Ord. No. 4677, § 7, 6-22-10; Ord. No. 4791, § 2, 2-23-13; Ord. No. 4844, § 1, 11-16-13; Ord. No. 5027, § 2, 6-18-16; Ord. No. 5034, § 2, 6-28-16; Ord. No. 5035, § 1, 6-28-16; Ord. No. 5037, § 1, 9-17-16)

Sec. 11-600 Cluster residential developments.

11-601 *Authority.* The city council may grant, as a special use permit, approval for a cluster development proposal pursuant to the provisions of this section 11-600 and those of section 11-500 relating to special use permits generally.

11-602 *Purpose.* The purpose of cluster development is to permit a procedure for development which will result in improved living environments; which will promote more economic development layout; which will encourage a variety of types of residential dwellings; which will encourage ingenuity and originality in total subdivision and individual site design; and which can preserve open and usable space to serve recreational, open space, scenic, public service, and other purposes related thereto, while retaining the densities established under the applicable zoning district. To achieve these goals:

(A) Variations in lot areas and lot widths may be permitted.

(B) Procedures are established to ensure adequate maintenance and use of open space areas.

(C) Procedures are established to ensure adequate protection of existing and potential developments adjoining the proposed cluster development.

11-603 Cluster development limitations.

(A) *Where permitted.* Cluster developments shall be permitted for single-family, two-family and townhouse dwellings where such development is permitted.

(B) *Development size.* Cluster developments are only permitted on land which could have accommodated five or more dwelling units if developed under the applicable zone regulations except that cluster developments that are found by the planning commission to be a logical extension of an existing or approved cluster development may contain fewer dwelling units.

(C) *Permitted uses.* The permitted uses in a cluster development shall be those residential uses permitted in the applicable zone as well as private and public recreational facilities.

(D) *Density.* The density of the cluster development shall not exceed the floor area and number of units which could have been developed under the applicable zone regulations without cluster approval and may, depending on the design and configuration achieved in the cluster development plan, be reduced.

(E) *FAR.* The maximum floor area permitted in the cluster development shall be determined by calculating that floor area which could be developed on the total site area which is the subject of the cluster special use permit, pursuant to section 1-400(B)(3).

(F) *Height.* No deviation from the height specified in the applicable zoning or height district is permitted.

(G) *Area requirements.* Modification of yard and lot requirements including minimum lot area and widths may be permitted. The yard regulations applicable to any property abutting a residential cluster development shall also be applicable to the exterior boundary of the cluster development where abutting unless because of the location or other special circumstance of the cluster or abutting development, no benefit will be served by such a yard requirement. Such modifications and variations must be shown on the cluster development plan.

(H) *Parking.* The parking requirements of Article VIII except for section 8-200(C)(1) thereof shall be applicable.

11-604 Cluster open space requirements.

(A) *Lot size reduction.* In each zone in which cluster development is allowed, the lot size may be reduced provided that an equivalent amount of suitable land in open space or common area is preserved and maintained for its scenic or historic value, or for schools, community buildings, historic buildings or sites, or related uses. Such common areas may be used as open space, recreational or parking areas. At least 15 percent of the common area provided shall be open and usable space which is coterminous and undivided and to which direct access is provided from each dwelling unit. The cluster development plan shall be reviewed to determine whether the open and usable space is sufficient and adequate in location, size and function.

(B) *Private ownership.* Cluster open space shall be protected by legal arrangements, satisfactory to the city council, sufficient to assure

its maintenance and preservation for the purpose for which it is intended. Covenants or other legal arrangements shall specify ownership of the cluster open space; method of maintenance, responsibility for maintenance, maintenance taxes and insurance; compulsory membership and compulsory assessment provisions; guarantees that any association formed to own and maintain cluster open space will not be dissolved without the consent of the city council; and any other specifications deemed necessary by the city council.

11-605 Procedures for cluster development approval.

(A) *Special use permit provisions applicable.* An application for cluster development approval is an application for a special use permit and shall be treated and reviewed as such. The procedures and provisions of section 11-500 apply to cluster development as those procedures and provisions may be supplemented by this section 11-600.

(B) *Additional application material.* An application for cluster development approval shall include those materials required for a special use permit application as specified in section 11-503, as well as the following:

(1) A general site layout plan depicting the density, design and development potential of the subject property under all regulations of the applicable zone without a cluster design.

(2) A preliminary subdivision plat which complies with the provisions of section 7-5-23 of the city code.

(3) Such other detail, data and material as may be necessary to show conformance with the regulations and requirements of this section 11-600.

The application material shall collectively be referred to as a cluster development plan.

(C) *Public hearing schedule.* At the time the director determines that the application is complete, he shall schedule the matter for public hearing before the planning commission and shall confer with the city manager who shall schedule the matter for public hearing before the city council.

(D) *Action by planning commission.* The planning commission shall hold a public hearing and shall act on the matter by recommending approval, disapproval or approval with modifications or conditions. In the event the planning commission recommends approval, the applicant is not entitled to proceed with a final site plan or to record a subdivision plat unless he obtains council

approval of the special use permit application. If the planning commission determines that it requires additional information in order to render its decision, it may defer action on the application in order to receive such information.

(E) *Action by city council.* The city council shall act on the matter by approving, disapproving or approving the application with conditions or modifications. Approval of the application for cluster development by the city council shall constitute preliminary site plan approval and, if a preliminary subdivision plat has been approved by the planning commission, authorizes the chairman or vice-chairman and the director to sign and the applicant to record a subdivision plat pursuant to section 7-5-24 of the city code.

11-606 *Considerations on review.* In reviewing an application for cluster development, the following issues and those for special use permits in section 11-504 shall be considered at a minimum:

(A) That the proposed development will substantially conform to the master plan of the city.

(B) That the proposed development complies with all applicable regulations of this ordinance except as modified pursuant to the authority of this section 11-600.

(C) That the proposed development will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities, and other matters affecting the public health, safety, and general welfare.

(D) That the proposed cluster development will be constructed, arranged, and operated so as not to dominate the immediate vicinity or to interfere with the development and use of neighboring property in accordance with the applicable zone regulations.

(E) That the proposed cluster development will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers, and schools.

(F) That the proposed cluster development will not result in the destruction, loss or damage of any natural, scenic, or historic feature.

(G) That individual lots, buildings, streets, and parking areas are designed and situated to minimize alteration of natural site features worthy of preservation.

(H) That the cluster open space intended for recreation or public use is usable as determined by the size, shape, topographic, and location requirements of the particular purpose proposed for the site.

(I) That the cluster open space shall include irreplaceable natural features if any are located in the tract (such as, but not limited to, stream beds, stands of trees and individual trees).

(J) That the cluster open space intended for recreation or public use is easily accessible to pedestrians and that such accessibility meets the needs of the handicapped and elderly.

(K) That the cluster development plan includes diversity and originality in lot layout and individual building design to achieve the best possible relationship between development and the land.

(L) That individual lots, buildings, and units are arranged and situated to relate to surrounding properties, to improve the view from and the view of buildings, and to lessen the land area devoted to motor vehicle access.

(M) That the cluster development plan includes due consideration for:

(1) The arrangement and location of buildings, structures and spaces as they relate to the intent and purposes of this section 11-600;

(2) The safe and convenient arrangement of pedestrian circulation facilities, roadways, driveways, off-street parking spaces, lighting and facilities for waste disposal;

(3) The location and means of access to pedestrian areas and the separation of such areas from vehicular ways and parking areas;

(4) The design of grades, paving, gutters and drainage necessary to handle stormwaters and to prevent erosion;

(5) The provision of walls, fences, landscaping and increased setbacks when deemed necessary to minimize adverse effects on nearby properties and within the proposed development;

(6) The treatment and extent of plazas, courts, terraces, recreational facilities and other open areas necessary or appro-

priate to the use or enjoyment of the development and the protection of the environment;

(7) The provision for dedication of land for public rights-of-way, parks, schools and recreational space when necessary and appropriate to the development and the environs.

11-607 *Post approval modifications.* No special use permit for a residential cluster development approved by the city council shall be modified or amended thereafter, except in accordance with the procedures, requirements and standards set forth in this section 11-600; provided, however, that such minor modifications or amendments as are made necessary because of conditions attached to the special use permit, code requirements or more detailed plans may be approved by the director when such modifications or amendments are in keeping with the purpose and intent of the special use permit.

11-608 *Recording requirement.* Within two years of approval, the permittee shall cause to be recorded in the deed book among the land records of the city, suitably indexed and in a form approved by the city attorney, a certificate of notice specifying the fact that the property is the subject of approval under this section 11-600 and that development of the property may occur only in compliance with the approved development plan, the terms of the special use permit, the regulations of this ordinance and all other applicable ordinances of the city. Construction may not commence until a certificate of notice is recorded under this section 11-608 unless city council has provided otherwise at the time of approval.

11-609 *Binding nature of permit.* Any special use permit granted pursuant to this section 11-600 shall run with the land and be binding upon the applicant, the owner, the occupants and their heirs, successors and assigns.
(Ord. No. 3865, § 1, 5-18-96; Ord. No. 4040, §§ 1, 2, 4-17-99; Ord. No. 4356, § 2, 6-12-04)

Sec. 11-700 Transportation management special use permits.

11-701 *Purpose and intent.*

(A) There are certain land uses which, by their location, nature, size and/or density, or by the accessory uses permitted or required in connection therewith, or by certain operational or design and engineering characteristics, tend to cause traffic and related impacts which are contrary to the public health, safety and general welfare in that they lead to, generate or exacerbate: danger and congestion in travel and transportation upon the

public streets, parking problems, harmful air pollution, wasteful energy consumption, excess noise, and other adverse impacts upon public and private transportation facilities, environmental quality, historic areas and other qualities of the city which make it a desirable, prosperous and attractive residential and commercial community. These uses present a disproportionate danger of such impacts relative to similar uses of a different size and density and to other uses permitted under this ordinance.

(B) These uses may be allowed to locate within designated zones only under a special use permit, as provided in this section 11-700, which, through the imposition of pertinent conditions and requirements, shall ensure that the adverse and disproportionate traffic, transportation and related impacts of such uses are reduced to levels consonant with the public health, safety and general welfare, that surrounding land, structures, persons and property are adequately protected and that public and private transportation is facilitated.

(C) The purpose of this section 11-700 is to mitigate the traffic, transportation and related impacts of such certain land uses through the requirement that a transportation management plan for such uses be prepared and that a special use permit be issued for such uses containing terms and conditions which require the implementation of an appropriate transportation management plan. The intent of the transportation management plan is to reduce single occupancy vehicle trips by:

- Encouraging other forms of travel, including transit use, ridesharing, walking and bicycling to accomplish that reduction through site-specific controls and conditions;
- Leveraging and sharing planned or existing TMPs and conditions in neighboring uses;
- Fees paid to a citywide transportation demand management program;
- Additional measures or a combination thereof, all in coordination with the city's overall transportation demand management program, Transportation Master Plan, and the Transportation chapter of the City of Alexandria Master Plan.

11-702 Transportation management plan program.

(A) There is hereby created a transportation management plan (TMP) program designed to accomplish the purpose and intent of

this section 11-700 by maximizing the mobility of all users by encouraging transit use, ridesharing, pedestrian and bicycle transportation to minimize single vehicle occupancy trips by motor vehicles and ensuring adequate transportation infrastructure and services to support future levels of development.

(B) The TMP program shall consist of a citywide TMP (citywide TMP) as well as stand-alone TMP programs operated by individual developments.

(C) The director of transportation and environmental services shall report on an annual basis to the transportation commission, the planning commission and city council on the status of the TMP program. The annual report shall be distributed to all developments that contribute to the city-wide and city-managed TDM fund.

11-703 Transportation demand management fund.

(A) There is hereby created a citywide, city-managed dedicated transportation demand management (TDM) fund (TDM fund) which will promote and create transportation alternatives to single occupancy vehicles that meet the goals of this section 11-700 and the transportation chapter of the City of Alexandria Master Plan.

(B) Any payments made to the city as a result of the conditions or requirements of an approved TMP SUP shall be deposited into the city TDM fund.

(C) Funds deposited into the city TDM fund shall be separately maintained and segregated and not subject to use other than for its approved program expenditures.

(D) As part of its annual report on the status of the TMP program under section 11-702(B), the director of transportation and environmental services shall report on the status of the TDM fund, including how funds have been spent in the prior year and a proposed program of expenditures for the following year. After a public hearing and consideration by the transportation commission and the planning commission, each commission shall make a recommendation to city council, which shall adopt an annual program of TDM expenditures for the city.

11-704 Application of TMP program to development; required participation. Each development for which a site plan is required pursuant to section 11-400 of

this ordinance may be required to obtain approval of a TMP SUP, depending on its development tier and the requirements for participation outlined in this section 11-704.

(A) *Development tiers*. The following development tiers represent a graduated level of development to which TMP requirements apply.

(1) *Tier one uses.* The following levels of development typically have a relatively low level of traffic and related impacts and are regulated as a tier one use.

a) *Residential*: More than 20 but no more than 99 residential units;

b) *Commercial or professional office space:* More than 9,999 but no more than 99,999 square feet of floor area.

c) *Retail*: Either more than 9,999 but no more than 74,999 square feet of floor area or more than 3,000 square feet but no more than 10,000 square feet of floor area with more than 50 peak hour trips during either peak hour as defined in the administrative regulations authorized by section 11-709.

d) *Hotels*: 30 rooms or more; and

e) *Industrial or warehouse:* 30,000 or more square feet of floor area.

(2) *Tier two uses.* The following levels of development typically have a moderately high level of traffic and related impacts and are regulated as a tier two use.

a) *Residential*: More than 99 but no more than 349 residential dwelling units;

b) *Commercial and/or professional office space:* More than 99,999 square feet but no more than 249,000 square feet of floor area; and

c) *Retail space:* More than 74,999 square feet but no more than 149,000 square feet of floor area.

(3) *Tier three uses.* The following levels of development typically have a very high level of traffic and related impacts and are regulated as a tier three use.

a) *Residential*: More than 349 dwelling units;

b) *Commercial and/or professional office space*: More than 249,999 square feet of floor area; and

c) *Retail space*: More than 149,999 square feet of floor area.

(4) *Mixed uses.* For a development or building that includes more than one use, each use shall be separately assessed and the highest applicable tier shall apply to the whole development. If a development has more than one use in the same tier, then the next highest tier will be used to define the TMP development tier.

(5) All other uses shall be exempt from the requirements of this section 11-700.

(B) *Program participation based on tier status.*

(1) *Participation.* Each TMP project, depending on its development tier, has the following requirements and options with regard to the type of TMP program in which it participates:

a) A tier one use shall be required to participate in the citywide TMP program.

b) A tier two use shall have the option, with the consent of the director of transportation and environmental services and approval of this special use permit, of participating in the citywide TMP program or operating its own stand-alone TMP and may be encouraged to partner with a neighboring use.

c) A tier three use shall create and operate its own stand-alone TMP and may be encouraged to partner with a neighboring TMP.

(2) *Requirements with respect to participation in the city-wide TMP program.* Each development that is required to participate in the city-wide TMP program must comply with all conditions of the TMP SUP which at a minimum will include:

a) Designation of a TMP coordinator whose contact information shall be provided to the city;

b) Regular payments will be made into the TDM fund in accordance with the TMP assessment as described in section 11-708 herein; and

c) Access to the property by the city in order to implement TDM measures such as surveys, mailings and hosting events to encourage participation.

(3) *Requirements with respect to partnering.*

a) A tier two or tier three use TMP partnership proposal shall be submitted jointly by both parties.

b) The proposal shall be reviewed and approved by the director of transportation and environmental services.

c) If a partnership is approved, each use involved in such a TMP partnership must still independently meet the requirements of its TMP, including independently submitting all required reports.

11-705 Application for TMP special use permit.

(A) *Application.* A TMP SUP application shall be filed pursuant to section 11-500 of this ordinance and consistent with the administrative guidelines authorized pursuant to section 11-709. The application shall be filed concurrently with the application for approval of a preliminary site plan for the same use as required by section 11-400 of this ordinance.

(B) *Multi-modal transportation scoping requirement.* The application shall include a scoping form which shall conform to the guidelines established with the administrative regulations authorized by section 11-709 to determine whether a multi-modal transportation study will be required.

(C) *Multi-modal transportation study requirement.* If a multi-modal transportation study is required it shall meet the requirements set forth in the administrative guidelines authorized by section 11-709 herein and at a minimum shall address the following:

(1) Vehicular transportation.

(2) Transit service.

(3) Bicycle and pedestrian facilities.

(4) Parking study and management plan required if parking reduction requested, unless otherwise exempted in the small area plan or other city council approved plan.

(5) Proposed transportation management plan.

(D) *Proposed TMP*. The applicant shall propose a TMP as part of the application which shall conform to the guidelines established by administrative guidelines authorized by section 11-709, and shall at a minimum include the following:

(1) Strategies that influence travel behavior by mode, frequency, time, route or trip length in order to reduce single vehicle occupancy trips.

(2) Specific program components which may include, but are not limited to, a combination of the following: subsidies for transit, carpool, vanpool and shuttles; parking for carpool and vanpool vehicles; carshare or rideshare programs; marketing; teleworking facilities; bicycle facilities.

11-706 Action by city council.

(A) In reviewing an application for a special use permit under this section 11-700, the city council shall consider the traffic, transportation and related impacts of the proposed use, the applicable factors listed in section 11-504, and the following characteristics of the proposed use that will determine or affect the extent of those impacts:

(1) Whether the SUP will encourage the use of travel modes other than single occupancy vehicles and reduce the peak hour traffic impacts associated with new development;

(2) Whether the SUP will maximize the mobility of pedestrians, transit users, bicyclists and motor vehicles and create an integrated, multimodal transportation system that is accessible and safe for all users;

(3) Whether the SUP will maintain the viability of its commercial centers, neighborhoods and growth areas by providing adequate transportation infrastructure and services to support future levels of development; and

(4) Whether the SUP will minimize vehicular impacts associated with new development.

(B) The city council may approve an application for a special use permit under this section 11-700 if it determines (i) that the applicant's transportation management plan is in accord with the requirements of this section 11-700, (ii) that the transportation management plan, together with any amendments deemed appropriate by council, demonstrates that reasonable and practicable actions will be taken in conjunction with and over the life of the proposed use which will produce a measureable reduction in the traffic and transportation impacts consistent with the mode share target as set forth in the TMP SUP, (iii) and that those actions, strategies and programs will be taken in conjunction and coordination with the city's transportation demand management program.

11-707 *Conditions and requirements.* In approving a TMP SUP under this section 11-700, city council may impose such reasonable conditions and restrictions that it determines are necessary and desirable to ensure that the use will further the intent of this section 11-700, the applicable factors of section 11-504, and the factors listed in sections 11-706(A). Such conditions shall include such operational activities and fee payments designed to achieve successful transportation demand management, including at a minimum the following:

(A) *Coordinator.* Each TMP project shall appoint a coordinator responsible for the implementation of the TMP and for coordination with the city.

(B) *Surveys.* Each TMP project that is not part of the citywide TMP program shall be responsible for surveying its residents, tenants, and employees on an annual basis to determine the success of the TMP. The TMP project must demonstrate a good faith effort to achieve response rate targets as set forth in the TMP SUP for the project.

(C) *Reviews.* Each TMP shall be required to report annually on its activities under the TMP and shall be reviewed by the city to determine its TMP compliance.

(D) *TMP assessment.* Each TMP will be required to pay a TMP annual assessment pursuant to section 11-708.

11-708 *TMP assessment schedule and adjustments.* Each TMP shall be required to make a monetary payment at a given rate based on the development type and size. The payment shall be made either into the TMP fund for the individual project or into the city TDM fund, depending on the program participation of the development as defined by section 11-704 herein. The amount of the payment shall be based on a standardized rate as that rate may be modified as provided herein.

(A) The base rate applicable to all TMPs subject to the assessment as of March 15, 2014 is as follows:

Land Use	*Base Rate in FY14*
Residential	$81.12 per dwelling unit
Commercial	$0.254 per square foot of floor area
Retail	$0.203 per square foot of floor area
Hotel	$40.56 per room
Industrial	$0.101 per square foot of floor area

(B) The base assessment rate will be adjusted on an annual basis on July 1 of each year in accordance with the Consumers Price Index

(CPI-U) as reported by the United States Department of Labor, Bureau of Labor Statistics. The base assessment rate in effect at the time of the project's first certificate of occupancy permit (CO) is the applicable rate for the project.

(C) If any part of the TMP project is within 1,000 feet walking distance of a Metrorail station entrance or a BRT/fixed transit station entrance (station entrance), on a fully operational corridor, a 20 percent reduction from the base assessment rate will be applied. If the TMP project is within 1,500 feet of a station entrance, a 15 percent a reduction from the base assessment rate will be applied.

11-709 *Administrative guidelines.* The director of transportation and environmental services is hereby authorized to promulgate administrative guidelines to supplement this section 11-700 and to facilitate the TMP program. The guidelines shall be consistent with the provisions of this section 11-700. They shall include the city's technical assumptions, specifications, submission requirements, and expectations for applicants and participants in the TMP program and shall be designed to provide guidance to applicants and their professional consultants and to facilitate participation by applicants and coordination between development applicants and staff. The guidelines shall be approved initially by city council and any subsequent changes to the guidelines shall be made part of the annual reporting required under section 11-702(B).

11-710 *Reserved.*

11-711 *Enforcement and civil penalties.*

(A) Compliance required. Each TMP project is required to comply with all conditions of its TMP SUP and with the provisions of this section 11-700 and compliance will be assessed on a regular basis as part of required review of the TMP by the city.

(B) Failure of a TMP project to comply with its approved TMP shall result in the assessment of civil penalties or revocation of the approved TMP SUP as follows:

(1) A violation of a TMP SUP condition may result in the following cumulative penalties, which may be accrued in any given 12-month period as follows:

(a) If the director of transportation and environmental services determines that a violation of the TMP SUP has occurred, he or she may cause a notice of violation

to be served on any such person committing or permitting such violation. Such notice shall give 30 days for the violation to be corrected.

(b) If the 30-day compliance period elapses and the violation of the TMP SUP arising from the same set of operative facts continues, a notice of violation with civil penalty in the amount of five percent of the use's annual financial obligation as provided in the SUP conditions, up to a maximum of $5,000.00, may be assessed. Such notice shall include an additional 30-day compliance period to correct the violation.

(c) If, after the compliance period in section 11-711(B)(1)(b) elapses, the violation of the TMP SUP arising from the same set of operative facts continues, a notice of violation with a civil penalty in the amount of 10 percent of the use's annual financial obligation as provided in the SUP conditions, up to a maximum of $5,000.00 may be assessed. Such notice shall include an additional 30 day compliance period to correct the violation.

(d) If, after the compliance periods provided in section 11-711(B)(1)(b) and (c) elapses, the violation of the TMP SUP arising from the same set of operative facts continues, a notice of violation with a civil penalty in the amount of 15 percent of the use's annual financial obligation as provided in the SUP conditions, up to a maximum of $5,000.00 may be assessed.

(2) If after assessment of three civil penalties, any use continues to fail to comply with a condition of its approved TMP, the use may be required to participate in the citywide TMP program, may be subject to increased review and reporting requirements and may be subject to a staff recommendation for action by the city council revoke the TMP SUP pursuant to section 11-205 of this ordinance.

11-712 Permit validity and modification.

(A) Each special use permit issued pursuant to the provisions of this section 11-700 shall expire and become null and void concurrently with the expiration of the site plan approved in connection therewith as provided in section 11-400.

(B) The enlargement, extension or increase of more than five percent in the floor area expressed in square feet of any use for which a special use permit has been issued under the provisions of this section 11-700 shall require an application for and approval of a new or amended special use permit governing the entire use as enlarged, extended or increase.

(C) In the case of a mixed-use building or structure for which a special use permit has been issued under this section 11-700, any modification of the mixture of uses which increases or decreases the amount of square feet utilized by the dominant use by more than 20 percent shall require an application for and approval of a new or amended special use permit governing the entire building or structure as modified.

11-713 Nonconforming use status and related matters.

(A) No individual building or structure, otherwise subject to the provisions of this section 11-700, which is in existence on May 16, 1987, or for which a preliminary site plan approved on or before May 16, 1987, continues in force and effect, shall be deemed a nonconforming or noncomplying use by virtue of any provision of this section 11-700, nor shall any such building or structure be subject to the provisions of this section 11-700.

(B) Any TMP SUP granted after May 16, 1987 and before March 15, 2014 remains in full force and effect. No individual building or structure, otherwise subject to the provisions of this section 11-700, which is in existence on March 15, 2014, or for which a preliminary site plan approved on or before March 15, 2014, continues in force and effect, shall be deemed a nonconforming or noncomplying use by virtue of any provision of this section 11-700, nor shall any such building or structure be subject to the provisions of this section 11-700.

(C) Any other provision of law to the contrary notwithstanding, the owner, contract purchaser or lessee, or any authorized agent of such party in interest, of any individual building or structure or project, complex or development which is or becomes a lawful nonconforming or noncomplying use under the provisions of this section 11-700, may file an application for the issuance of a special use permit under the provisions of this section 11-700.

11-714 Administration.

(A) The director shall administer the provisions of this section 11-700 and shall consult and coordinate with the directors of transpor-

tation and environmental services and of the transportation planning division and such other divisions of the city government as may be appropriate.

(B) The fee for filing and processing a special use permit application shall be according to that prescribed by section 11-104 and such fee shall be in addition to any other fees required under this ordinance.

(Ord. No. 3923, § 8, 4-12-97; Ord. No. 4864, § 1, 3-15-14; Ord. No. 4910, § 6, 11-15-14)

Sec. 11-800 Zoning amendment.

11-801 *Authority.* The city council may by ordinance supplement, change, modify or repeal any provision of this ordinance or of the boundaries of the zones established by the official zoning map. Such action by the city council shall constitute a zoning amendment. A proposal to supplement, change, modify or repeal the provisions of the text of this ordinance shall be referred to as a text amendment. A proposal to change the boundaries established by the official zoning map shall be referred to as a map amendment.

11-802 *Initiation of zoning amendment.* An amendment may be initiated by:

(A) The city council on its own motion;

(B) The planning commission on its own motion; or

(C) If the amendment is a map amendment, an applicant who has a legal interest in the property, or is a duly authorized representative or exhibits the consent of those with a legal interest in the property.

11-803 *Application for map amendment.* An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

(A) A statement identifying the applicant, who shall be the owner, contract purchaser, lessee or other party having a legal interest in the subject property. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of such ownership interest unless any of such entities is a corporation or a partnership, in which case only those persons owning an

interest in excess of three percent in such corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-803(A), the term ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

(B) The street address (or common description) and legal description of the property.

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(C) The zoning classification and present use of the subject property.

(D) The zone to which the applicant seeks reclassification.

(E) The land use designation of the property contained in the master plan.

(F) A statement as to how and why the proposed zone classification is consistent with the master plan as applied to the property or, in the event of inconsistency, whether an amendment to the master plan has been proposed.

(G) A map showing all property within 300 feet of the perimeter of the property which is the subject of the application, indicating the zoning and existing uses of such land.

(H) A map showing the actual dimensions of the subject property according to the recorded plat of such property, including contour lines, all significant vegetation and other significant natural environmental features on the property.

(I) A map showing the use, height, location and ground area of all present and, if known, proposed buildings and structures.

(J) A statement explaining how the proposed property will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools.

(K) A statement, if applicable, that the application is one for conditional zoning pursuant to section 11-804 and identifying all proffered conditions that are to be considered part of the application.

(L) The fee prescribed pursuant to section 11-104.

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:

(A) Once conditions to be proffered are signed and made available and the public hearing before city council has commenced, no change or modification to any condition shall be made and no additional conditions shall be proffered at that public hearing. If modified or additional conditions are proposed, a second public hearing before city council shall be held before the application and the modified or additional conditions can be approved. Such

application may also be the subject of a second public hearing before the planning commission.

(B) If the map amendment is approved subject to the conditions proffered by the applicant, then the property in question shall be appropriately annotated on the official zoning map and all other land records referencing the conditions as adopted.

(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).

(D) Upon approval, any site plan, subdivision plat or development plan thereafter submitted for the development of the property in question shall be in substantial conformance with all proffered conditions and no development shall be approved by any city official in the absence of said substantial conformance. Failure to meet any proffered condition accepted by city council as part of an amendment to the zoning ordinance shall constitute cause to deny the issuance of any required site plan or use, occupancy or building permit, or to revoke same after issuance.

(E) For the purpose of this section 11-804, substantial conformance shall mean that conformance which leaves a reasonable margin for adjustment due to final engineering data but conforms with the general nature of the development, the specific uses, and the layout and design depicted by the plans, profiles, elevations, and other demonstrative materials presented by the applicant.

(F) The director shall be vested with all necessary authority on behalf of city council to administer and enforce proffered conditions. Such authority shall include the ability to order, in writing, the remedy of any noncompliance with a proffered condition and the ability to bring legal action to insure compliance including injunction, abatement, or other appropriate action or proceedings as provided for in section 11-200 of this ordinance.

(G) A guarantee, satisfactory to city council, may be required in an amount sufficient for and conditioned upon the construction of

any physical improvements required by the proffered conditions, or a contract for the construction of such improvements and the contractor's guarantee, in like amount and so conditioned, which guarantee may be reduced or released by city council or its agent upon the submission of satisfactory evidence that the construction of such improvements has been completed in whole or in part.

(H) Any person aggrieved by a decision of the director regarding any proffered condition may appeal such decision to city council. Such appeal shall be filed within 30 days from the date of the decision appealed by filing a notice of appeal with the city clerk. Such notice shall be a written statement specifying the grounds on which the person is aggrieved and the basis for the appeal.

11-805 *Processing of zoning amendment.*

(A) *Staff review and report.* The director shall review an application to determine if its contents are adequate for appropriate review and shall cause an application or motion to be reviewed by those staff members and departments the director determines to be necessary or desirable regarding the merits of the proposal. He shall prepare a written staff report which includes staff findings and recommendations with regard to the proposal. If the director does not agree with a recommendation prepared by another department, that recommendation shall be set down separately and the reasons for the director's disagreement shall be included in the report.

(B) *Docketing.* When the director determines that the application is complete, he shall schedule the matter for public hearing before the planning commission and shall confer with the city manager who shall schedule the matter for public hearing before the city council. The first public hearing on the matter shall be scheduled to occur no later than 90 days from the time the application is determined to be complete unless the applicant waives the time limitation or the city council allows for additional time.

(C) *Withdrawal of applications.* No application for map amendment may be withdrawn by an applicant after it has been advertised for public hearing before the city council unless the city council consents to such withdrawal after considering a written request therefor filed with the city clerk no later than noon on the last working day preceding the council's first consideration of the matter.

(D) *Reconsideration of application.* The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission or the city council for a period of one year unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

11-806 Action on motion for text amendment.

(A) *Action by planning commission.*

(1) *Recommendation on proposed amendment.* The planning commission shall hold a public hearing on the proposed text amendment at which time it shall vote on the matter and recommend that the city council approve the matter, disapprove the matter, or refer the matter back to the planning commission for further study. The planning commission may defer its decision upon a recorded vote of a majority of the members of the commission that good cause exists for such deferral. Such vote and the reasons therefor shall be sent to city council prior to city council's public hearing on the matter.

(2) *Reasons for recommendation.* In recommending the approval or disapproval of a proposed amendment, the planning commission shall state its reasons for such recommendation.

(3) *Action on referred back item.* If the city council refers a proposed text amendment back to the planning commission for further study, the planning commission shall hold a duly noticed public hearing on the matter, shall act on the matter by approving or disapproving the motion or by requesting that the council refer it back for further study, and shall submit its reviewed recommendation to city council.

(B) *Action by city council.*

(1) *Action on proposed text amendment.* The city council shall hold a public hearing on the proposed text amendment and shall act on the matter by approving or disapproving the recommendation of the planning commission or by referring the matter back to the planning commission for further study. If the planning commission recommends disapproval of a text amendment, city council may not approve it except by

an affirmative vote of three-fourths of the members of the city council.

(2) *Action on referred back matter.* After a text amendment has been referred back to the planning commission for further study, the city council shall hold a duly noticed public hearing, consider the application along with the planning commission's reviewed recommendation and act on the matter by either approving it, disapproving it or referring the matter back to the commission for further study again. If the planning commission votes to disapprove the proposed amendment by a two-thirds vote of its members, the city council may not approve it except by an affirmative vote of three-fourths of its members.

(3) *Implementing ordinance.* If a text amendment is approved by city council, an ordinance implementing council's approval will be prepared and submitted to city council for its consideration.

11-807 *Action on map amendment.*

(A) *Action by planning commission.*

(1) *Recommendation on proposed map amendment.* The planning commission shall hold a public hearing on the proposed map amendment at which time it shall vote on the matter and recommend that the city council approve the matter, disapprove the matter, or refer the matter back to the planning commission for further study. The planning commission may defer its vote for a period not to exceed 90 days upon a recorded vote of a majority of the members of the commission that good cause exists for such deferral. Such vote and the reasons therefor shall be sent to city council prior to city council's public hearing on the matter.

(2) *Reasons for recommendation.* In recommending the approval or rejection of a proposed map amendment, the planning commission shall state its reasons for such recommendation.

(3) *Action on referred back item.* If the city council refers a proposed map amendment back to the planning commission for further study, the planning commission shall hold a public hearing on the matter, shall act on the matter within 25 days of the date it was referred by either approving or dis-

approving the matter and shall submit its reviewed recommendation to city council.

(B) *Action by city council.*

(1) *Action on map amendment.* The city council shall hold a public hearing on a proposed map amendment and shall act on the matter by approving or disapproving the recommendation of the planning commission or by referring the matter back to the planning commission for further study. Except as provided in section 11-807(B)(2) below, if the planning commission recommends disapproval of a map amendment, city council may not approve it except by an affirmative vote of three-fourths of the members of the city council.

(2) *Action on referred back matter.* After a proposed map amendment has been referred back to the planning commission for further study, the city council shall hold a duly noticed public hearing, shall consider the proposed map amendment along with the planning commission's reviewed recommendation and shall act on the matter within 45 days of the date it was referred to the planning commission by either approving or disapproving it. If good cause exists for an extension, city council may extend the 45 day time limit for an additional 45 days. If the planning commission votes to disapprove the referred back map amendment by a two-thirds vote of its members, city council may not approve it except by an affirmative vote of three-fourths of its members. If the planning commission fails to act within 25 days of the referral or to recommend denial by a two-thirds vote, the city council may approve the proposed amendment by a simple majority.

(3) *Implementing ordinance.* If a map amendment is approved by city council, an ordinance implementing council's approval will be prepared and submitted to city council for its consideration within 75 days of the approval.

(C) *Revision of proposed map amendment.*

(1) The city council may adopt a map amendment which revises the boundaries of the land proposed for amendment or which changes the existing zone classification to a more or less restrictive one than the one originally proposed. If the map amendment to be adopted involves any land area not shown in the original proposal or imposes a less restrictive zone for the property than that originally proposed, public hearings

on the revised proposal shall be held before the planning commission and city council and notice of such hearings shall be given by the city as though it were a new item.

(2) If the original proposal was brought by application, then city council may only approve the adoption of a more restrictive zone change if the following conditions have been met:

(a) The planning commission has recommended in favor of the more restrictive zone change at a public hearing;

(b) The applicant who proposed the original map amendment has agreed to the change at or before the planning commission public hearing on the revised zone amendment proposal; and

(c) Notice pursuant to section 11-300 is given prior to the city council's public hearing on the more restrictive zone change.

11-808 Protest of zoning map amendment by landowners.

(A) *Who may protest.* A protest shall be signed by the owners of at least 20 percent of:

(1) The land proposed to be rezoned by the map amendment; or

(2) All land within 300 feet of the boundaries of the land proposed to be changed by the map amendment.

(B) *Deadline for protest.* A protest must be filed with the city clerk no later than noon on the last working day before the day on which city council conducts its first public hearing on the proposed amendment.

(C) *Calculation of ownership.* The director shall verify that those filing are legal property owners and that there are sufficient legal property owners signing to constitute the required 20 percent, subject to the following:

(1) Streets, alleys and land dedicated to public use or owned by the city, state or federal government shall not be included in computing the areas of ownership required.

(2) If land included in the computation is owned by a condominium unit owners association then the square footage of the land shall be divided evenly by the number of

units in the condominium unit owners association and each owner of a unit shall be entitled to sign for his or her allocated portion of the land.

(D) *Effect of protest.* If a protest to a proposed map amendment is filed, the city council may not approve the proposed amendment except by an affirmative vote of three-fourths of its members.

(E) *Limitations.*

(1) Once a protest has been filed, no changes by way of addition, substitution, amendment or withdrawal may be made to the protest after the deadline provided for the filing of a protest in section 11-808(B).

(2) A protest against a less restrictive change is not effective against a more restrictive change but a new protest may be filed against the more restrictive change and this paragraph does not prevent the filing of a protest against both a less and more restrictive change.

(3) The provisions of this section 11-808 shall not apply to city owned property or be effective in the case of a map amendment which is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

11-809 *Emergency provisions.* Notwithstanding any of the procedural requirements set forth in this section 11-800 or by other law, ordinances adopting a text or map amendment may be enacted under the emergency ordinance provisions of the city charter without compliance with such procedural requirements.
(Ord. No. 4798, § 1, 4-13-13; Ord. No. 4849, § 1, 1-25-14; Ord. No. 5027, § 2, 6-18-16)

Sec. 11-900 Master plan amendment.

11-901 *Authority.* The city council may by ordinance supplement, change, modify or repeal any provision of the city's consolidated master plan, including any maps, charts, small area plan or other material that comprises the master plan.

11-902 *Initiation.* A master plan amendment may be initiated by:

(A) The city council on its own motion;

(B) The planning commission on its own motion; or

(C) If the amendment is a map amendment, an applicant who has a legal interest in the property, or is a duly authorized representative or exhibits the consent of those with a legal interest in the property.

11-903 *Application for map amendment.* An application for a map amendment shall be filed with the director, on such forms as the director may prescribe, who may require such information to be submitted as he determines is necessary for adequate review. At a minimum, the application shall contain the following information:

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

(B) The street address (or common description), legal description, tax map and parcel number for the property.

(C) The present land use designation and recommended zoning for the subject property in the master plan.

(D) The land use designation and recommended zoning to which the applicant seeks reclassification.

(E) A statement as to how and why the proposed amendment to the master plan is desirable, beneficial to surrounding properties, in character with the applicable small area plan and consistent with city policy.

(F) A map showing all property within 300 feet of the perimeter of the property which is the subject of the application, indicating the land use designation, zoning and existing uses of such land.

(G) A map showing the actual dimensions of the subject property according to the recorded plat of such property, including contour lines, all significant vegetation and other significant natural environmental features on the property.

(H) A map showing the use, height, location and ground area of all present and, if known, proposed buildings and structures.

(I) A statement explaining how the proposed property will be served adequately by essential public facilities and services such as highways, streets, parking spaces, police and fire protection, drainage structures, refuse disposal, water and sewers and schools.

(J) If the map amendment is proposed in order to effect a zoning amendment, an application for zoning amendment or, at a minimum, a statement indicating the zoning amendment anticipated for the property.

(K) The fee prescribed pursuant to section 11-104.

11-904 Processing of master plan amendment.

(A) *Staff review and report.* The director shall review an application to determine if its contents are adequate for appropriate review and shall cause an application or motion to be reviewed by those staff members and departments the director determines to be necessary or desirable regarding the merits of the proposal. He shall prepare a written staff report which includes staff findings and its recommendations with regard to the proposal. If the director does not agree with a recommendation prepared by another department, that recommendation shall be set down separately and the reasons for the director's disagreement shall be included in the report.

(B) *Docketing.* At the time the director determines that the application is complete, he shall schedule the matter for public hearing before the planning commission and shall confer with the city manager who shall schedule the matter for public hearing before the city council. The first public hearing on the matter shall be scheduled to occur no later than 90 days from the time the application is determined to be complete unless the applicant waives the time limitation or the city council allows for additional time.

(C) *Withdrawal of applications.* No application for map amendment may be withdrawn by an applicant after it has been advertised for public hearing before the city council unless the city council consents to such withdrawal after considering a written request therefor filed with the city clerk no later than noon on the last working day preceding the council's first consideration of the matter.

(D) *Reconsideration of application.* The subject matter of an application for a map amendment which has been denied by the city council shall not be considered thereafter by the planning commission or the city council for a period of one year unless the new application differs in a material respect from the application which was denied, in which case it may be considered after a period of six months.

11-905 Action on master plan amendment.

(A) *Planning commission.* The planning commission shall hold a public hearing on the proposed amendment after which it may by resolution adopt the amendment by a vote of not less than a majority of its entire membership. The resolution and amendment shall then be forwarded to city council for its consideration.

(B) *City council action.* The city council shall hold a public hearing on a proposed amendment and shall act on the matter by approving, disapproving, or approving it with modifications. In the case of disapproval, the council shall return the proposal to the planning commission for its reconsideration.

(C) *Implementing ordinance.* If a master plan amendment is approved by city council, an ordinance implementing council's approval will be prepared and submitted to city council for its consideration. (Ord. No. 5027, § 2, 6-18-16)

DIVISION C. BOARD OF ZONING APPEALS

Sec. 11-1000 Board of zoning appeals.

11-1001 Authority and establishment. The board of zoning appeals is established to perform those duties set forth in section 9.18 of the city charter and in this Division C of Article XI.

11-1002 Composition of board of zoning appeals. The board of zoning appeals shall consist of seven members who are qualified voters and live in the City of Alexandria but who hold no office of profit under the city government. Members shall be appointed by the city council for four year terms and vacancies shall be filled by the city council for the unexpired portion of any term. Members shall serve without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as may be in the best interest of the city and the performance of the duties and activities of the board of zoning

appeals. A member may be removed by the city council for neglect of duty or malfeasance in office, upon written charges and after a public hearing.

11-1003 *Meetings, minutes and records.* Meetings of the board of zoning appeals shall be held at the call of the chairman and at such other times as the board of zoning appeals may determine. The board shall keep minutes of its proceedings showing the vote of each member on each question, or if absent or not voting, indicating such fact. The board shall keep records of its examinations and other official actions. All such minutes and records shall be filed in the office of the board of zoning appeals and shall be a public record.

11-1004 *Powers and duties.* The board of zoning appeals shall have the following powers and duties:

(A) To hear and decide appeals as provided for in section 11-1200 where it is alleged there is error from any order, requirement, decision or determination made by the director in the administration or enforcement of this ordinance.

(B) To authorize upon appeal in specific cases such variance from the terms of this ordinance as is provided for in section 11-1100 and as will not be contrary to the public interest, when owing to special conditions, a literal enforcement of the provisions will result in undue hardship; provided that the spirit of the ordinance shall be observed and substantial justice done.

(C) To permit, when reasonably necessary in the public interest, any agency of the city, state or United States the use of land or the construction or use of buildings or structures in any zone in which they are prohibited by the ordinance, provided such construction or use shall adequately safeguard the health, safety and welfare of the occupants and of adjoining and surrounding property, and shall not unreasonably impair an adequate supply of light and air to adjacent property, increase congestion in streets, or increase public danger from fire or otherwise affect public safety.

(D) To permit the following exceptions to the zone regulations and restrictions, provided that by their design, construction and operation, such exceptions shall safeguard the health, safety and welfare of the occupants of the adjoining and surrounding properties, shall not unreasonably impair an adequate supply of light and air, shall not increase public danger from fire or

otherwise unreasonably affect public safety, and shall not diminish or impair the established property values in surrounding areas:

(1) The extension of a zone where the boundary line of a zone divides a lot that was in single ownership on June 24, 1992. An asterisk shall be placed on the zoning map for land so affected and such land shall be treated as if it were in the new zone.

(2) The reconstruction of a structure containing a nonconforming use which has been damaged by fire or other casualty, or act of God or the public enemy, if it has been damaged to the extent of more than 60 percent of fair market value as established by the opinion of three disinterested appraisers appointed by the city council, and if the board finds some compelling public necessity for a continuance of the use and such a continuance is not primarily to continue a monopoly.

(E) To make, alter and rescind rules and forms for its procedures, and to prescribe procedures for the conduct of public hearings that it is required to hold, consistent with the ordinances and charter of the city and the general laws of the Commonwealth.

(F) No provision of this Division C of Article XI shall be construed as granting the board of zoning appeals the power to rezone property. No use variance may be approved by the board of zoning appeals.

11-1005 *Limitations.* All provisions of this ordinance relating to the board of zoning appeals shall be strictly construed. The board, as a body of limited jurisdiction, shall act in full conformity with all provisions and definitions in this ordinance and in strict compliance with all limitations contained therein.

11-1006 *Periodic report.* The board shall report to the city council annually summarizing all appeals and applications made to it since its last previous report and summarizing its decisions on such appeals and applications. Such report shall include the board's observations and recommendations deemed advisable in order to assure full conformity with the requirements and limitations of this division C of Article XI pertaining to the jurisdiction and functions of the board or to amend the ordinance relating thereto. At the same time that each such report is filed with the council, copies thereof shall also be filed with the director, the planning commission, and the city attorney.

11-1007 *Final decisions subject to judicial review.* All final decisions of the board shall be subject to judicial review in the following manner.

(A) Any person, firm or corporation, jointly or severally aggrieved or in fact affected by any final decision of the board, or any officer, department, board or agency of the city government charged with the enforcement of any order, requirement or decision of the board, may appeal from such decision by filing a petition in the circuit court of the city specifying the alleged illegality of the action of the board within 30 days after the date of the decision of the board.

(B) The circuit court shall review the record, documents and actions taken by the board and may receive evidence. The court may reverse or modify the decision reviewed, in whole or in part, when it is satisfied that the decision of the board is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion.

11-1008 *One year period within which to comply.* Any decision of the board shall be null and void and of no effect if the applicant to the board or his successor has not commenced and diligently and substantially pursued construction or operations allowable by virtue of such decision within one year from the

date of the decision and thereafter diligently pursued its completion. In cases where there is an appeal from the board to the courts, the one-year period of time shall run from the date of a final decision by the court.
(Ord. No. 4910, § 6, 11-15-14)

Sec. 11-1100 Variance.

11-1101 *Jurisdiction and authority.* Upon appeal, the board of zoning appeals shall exercise the jurisdiction and authority to grant a variance from the literal terms of this ordinance in accordance with the procedures, standards and limitations contained in this section 11-1100.

11-1102 *Procedures for variance.*

(A) *Application for variance.* Any person owning, or having a possessory or contract interest in property and the consent of the owner, may file an application for variance in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

(1) Ten copies of a plot plan drawn to scale clearly showing the requested variance(s), the property involved, existing and proposed buildings or additions, property lines, and the location of and distance to adjacent buildings from the proposed building or addition.

(2) The particular provisions or requirements of this ordinance which prevent the proposed construction on, or proposed use of, the property.

(3) The existing zoning classification of the property.

(4) The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this ordinance and a statement as to whether such conditions existed at the time the current owner acquired the property.

(5) The particular characteristics or conditions which distinguish the land from other land in the same zone.

(6) The particular hardship which would result if the specified provisions or requirements were to be applied to the subject property.

(7) The extent to which it would be necessary to vary the requirements of this ordinance in order to permit the proposed construction on, or use of, the property.

(8) An explanation of how the requested variance conforms to each of the standards set out in section 11-1103 below.

(9) The identity of all persons or entities who have a legal or equitable interest in the property and a description of the nature of that interest.

(B) *Staff review and report.* The director shall review the application to determine that it contains the required information; shall review the merits of the application and perform research as necessary to determine whether a variance under the terms of this section 11-1100 should be granted; shall prepare a staff report indicating its analysis and findings with respect to the standards in section 11-1103 and regarding the effect and impact on the neighborhood if the variance were to be granted; and shall forward its report to the board of zoning appeals.

(C) *Docketing and notice.* At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination and docketing.

(D) *Public hearing by board of zoning appeals.* After a duly noticed public hearing on the application for variance, the board shall either approve, deny or approve with conditions the application for a variance. Its decision shall be supported by findings of fact and conclusions with respect to the standards of section 11-1103.

(E) *Withdrawal of application.* An application for variance may not be withdrawn by the applicant after it has been docketed for public hearing without the consent of the board.

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:

(A) The particular physical surroundings, shape, topographical condition or other extraordinary situation or condition of the specific property involved would effectively prohibit or unreasonably restrict the utilization of the property or would constitute a clearly demonstrable hardship, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

(B) The conditions upon which the petition for a variance is based are not applicable generally to other property within the same zoning classification;

(C) The property was acquired in good faith and any hardship produced by the ordinance was not created by the owner of such property;

(D) The granting of the variance will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located, or diminish or impair the values thereof;

(E) The proposed variance will not impair an adequate supply of light and air to adjacent property, or cause or substantially increase congestion in the public streets, or increase the danger of fire or the spread of fire, or endanger the public safety;

(F) The variance, if granted, will not alter the essential character of the area or be a substantial detriment to adjacent property;

(G) The strict application of this ordinance would produce undue hardship;

(H) Such undue hardship is not shared generally by other properties in the same zone and vicinity; and

(I) No other remedy exists whereby the same relief was, is or may be available from another approval body of the city as part of its review of a site plan or other development application.

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. 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. Failure to comply with any such conditions and restrictions shall constitute a violation of this ordinance.

11-1105 *Burden of applicant.* The applicant for a variance shall bear the burden of producing evidence establishing that the requested variance satisfies the standards set out in section 11-1103.

11-1106 *Reconsideration.* If an application for a variance is denied, the board of zoning appeals shall not consider an application for the same variance on the same site again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.
(Ord. No. 4711, § 1, 3-12-11)

Sec. 11-1200 Appeals.

11-1201 *Appeals from administrative ruling.* The board of zoning appeals is authorized to hear appeals where it is alleged there is error from any order, requirement, decision or determination made by the director in the admin-

istration or enforcement of this ordinance and jurisdiction on appeal is not given to another body.

11-1202 *Extent of the board's appeal powers.* In exercising the authority herein granted the board may, in conformity with the provisions of this ordinance, reverse or affirm wholly or partly or may modify the order, requirement, decision, or determination appealed from.

11-1203 *How appeals may be taken.* Appeals to the board may be taken by any person aggrieved or by an officer, department, board, commission or agency of the city affected by a decision of the director. Appeals shall be taken within such reasonable time as shall be prescribed by the board by general rule by filing with the director and with the board a notice of appeal specifying the grounds of the appeal. The director shall forthwith forward to the board all the papers constituting the record upon which the action appealed from was taken. The board may prescribe a fee to be paid to the city whenever an appeal is taken.

11-1204 *Stay of proceedings.* A notice of appeal properly filed as herein provided shall stay all proceedings in furtherance of the action appealed from, unless the director certifies to the board after the notice of appeal has been filed with him that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed except by a restraining order which may be granted by the board or by a proper court on notice to the director and on due cause shown.

11-1205 *Decisions on appeal.* Within a reasonable time after the notice of appeal has been filed, the board shall hold a public hearing, give public notice thereof as well as due notice to the parties in interest, decide the appeal, and file with the director its written findings of fact and conclusions with respect to the appeal. The concurring vote of four members shall be necessary to reverse a decision. The director shall serve a copy of the decision on the appellant and upon each other person who was a party of record at the hearing.

11-1206 *Proceedings to prevent construction of a building.* Where a building permit has been issued and the construction of the building for which such permit was issued is subsequently sought to be prevented, restrained, corrected or abated as a violation of the zoning ordinance, by suit filed within fifteen days after the start of construction by a person who had no actual notice of the issuance of the permit, the court may hear and determine the issues raised in the litigation even though no appeal was taken from the decision of the director to the board of zoning appeals.

Sec. 11-1300 Special exception.

11-1301 *Authority.* The board of zoning appeals is authorized to review applications for those special exceptions established by this section 11-1300.

11-1302 *Special exception established.* A lot in a single family, two family or townhouse zone may be the subject of a special exception from the following zoning requirements pursuant to this section 11-1300:

(A) Fences on corner lots.

(B) Yard and setback requirements for enlargement of a dwelling, as follows:

(1) Yard and setback requirements applicable to the extension or enlargement of a single family, two family or townhouse dwelling only, within any one noncomplying plane of such dwelling.

(2) As used in this subsection, the term noncomplying plane means the vertical plane established by a wall, one story or more in height, of a main building which wall:

(a) Does not comply with the yard or setback requirements of this ordinance,

(b) Existed prior to the effective date of any change to the yard or setback regulations or restrictions applicable to such wall, and

(c) Extends for more than 50 percent of the length of the building along the side containing such wall.

(3) The term noncomplying plane does not include any plane established in whole or in part by entrances, steps or other projections into a required yard.

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

(C) Yard and setback requirements for a ground level, single story, covered front porch, limited to the main architectural entrance of a dwelling, facing a front yard, or primary front yard if a corner lot, and subject to the following requirements:

(1) Limitation on yard and setback reductions:

(a) The porch deck shall project a maximum of eight feet from the front building wall plane.

(b) The front building wall plane shall be established by the wall of the dwelling which extends for more than 50 percent of the length of the building, and faces the front yard, or primary front yard if a corner lot.

(c) The front yard, or primary front yard if a corner lot, shall not be reduced to less than fifteen feet from the front property line.

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

(a) No portion of the porch shall extend beyond the end of the walls of the front building facade, except where the resulting lot and structure retain a side or front yard which complies with the zone requirements.

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

(c) No second floor balcony, deck, or enclosed construction shall be permitted above the front porch.

(d) A ground level covered front porch shall remain open, and shall at no time be enclosed with building walls, glass or screens; provided that railings, no higher than the minimum height required by the building code, and with balusters evenly spaced so as to leave at least 50 percent of the perimeter length of the railings open, shall be permitted.

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

(D) Established front yard setback requirements for a main dwelling required by section 7-2503, subject to the following requirements:

(1) Limitation on front setback increase or decrease.

(a) An adjustment is allowed of as much as ten percent from the average front setback line calculated for the project or five feet, whichever is less.

(b) The front setback increase or decrease shall be the minimum necessary to achieve the desired result.

(2) The applicant shall demonstrate by clear and convincing evidence that the proposed change in front setback for the dwelling is necessary for environmental and/or critical construction reasons and that the dwelling in the proposed location will be compatible with the character of the rest of the neighborhood block and will not be detrimental to the maintenance of a an established setback along the street.

11-1303 Procedures for special exception.

(A) *Application.* Any person owning, or having an interest in property and the consent of the owner, may file an application for a special exception in regard to such property with the director. The application shall contain the following information and such additional information as the board of zoning appeals may, by rule, require:

1. Ten copies of a plot plan drawn to scale clearly showing the requested special exception(s), the property involved, existing and proposed buildings or additions, property lines, and the location of and distance to adjacent buildings from the proposed building or addition.

2. The particular provisions or requirements of this ordinance which prevent the proposed construction on, or proposed use of, the property.

3. The existing zoning classification of the property.

4. The special conditions, circumstances or characteristics of the land, building or structure that prevent the use of the land in compliance with the requirements of this ordinance and a statement as to whether such conditions existed at the time the current owner acquired the property.

5. An explanation of how the requested special exception conforms to each of the standards set out in section 11-1304 below.

(B) *Staff review and report.* The director shall review the application and determine that it contains the required information; shall review the merits of the application; shall prepare a staff report indicating its findings; and shall forward the report to the board of zoning appeals.

(C) *Docketing and notice.* At the time the director determines that the application is complete, he shall docket the matter for public hearing before the board of zoning appeals for a date to occur no later than 30 working days from the date of such determination.

(D) *Public hearing by board of zoning appeals.* The board of zoning appeals shall conduct a public hearing on the application for a special exception and approve, deny or approve the application with conditions. The decision of the board shall state the reasons therefor.

(E) *Withdrawal of application.* An application for a special exception may not be withdrawn by the applicant without the consent of the board after it has been docketed for public hearing.

11-1304 *Standards for special exception.* In order to grant an application for a special exception under this section 11-1300, the board must find that the strict application of the ordinance creates an unreasonable burden on the use and enjoyment of the property which outweighs the material zoning purpose for which the specific provision of the ordinance at issue was designed. In making its determination, the board shall consider and weigh the following issues, as applicable.

(A) Whether approval of the special exception will be detrimental to the public welfare, to the neighborhood or to adjacent properties.

(B) Whether approval of the special exception will impair an adequate supply of light or air to adjacent property, or cause or substantially increase traffic congestion or increase the danger of fire or the spread of fire, or endanger the public safety.

(C) Whether approval of the special exception will alter the essential character of the area or the zone.

(D) Whether the proposal will be compatible with development in the surrounding neighborhood.

(E) Whether the proposed development represents the only reasonable means and location on the lot to accommodate the proposed structure given the natural constraints of the lot or the existing development of the lot.

(F) In the case of fences, whether the size, configuration or other unusual characteristic of the lot requires an exception from the zoning requirements in order to provide a reasonable fenced area without creating significant harm to adjacent properties or the neighborhood.

11-1305 *Conditions and restrictions.* Conditions and restrictions may be imposed on the premises benefited by a special exception as may be necessary to reduce, minimize, or mitigate the effect of the special exception upon other property in the neighborhood and better to carry out the general intent of the zoning ordinance. A guarantee or a bond may be required of the applicant to ensure that the conditions imposed are being and will be complied with. Failure to comply with any such conditions or restrictions shall constitute a violation of this ordinance and cause to revoke the permit, after notice and hearing is had.

11-1306 *Burden on applicant.* The applicant for a special exception shall bear the burden of producing evidence establishing that the requested special exception satisfies the standards set out in section 11-1304.

11-1307 *Special exception not authorized.* A special exception otherwise available under this section shall not be approved where the same relief was, is or may be available from the planning commission, board of architectural review or city council as part of its review of a site plan or other development application and such relief was either not granted or not sought.

11-1308 *Reconsideration.* If an applicant for a special exception is denied, a subsequent application for the same relief on the same site shall not be considered again for one year unless the new application differs in a substantial and material way from the old one, in which case it may be reconsidered after six months.
(Ord. No. 3901, § 1, 12-14-96; Ord. No. 4226, § 1, 11-17-01; Ord. No. 4483, § 3, 5-12-07; Ord. No. 4556, § 1, 6-24-08; Ord. No. 4653, § 3, 4-17-10)

DIVISION D. CITY PLANNING COMMISSION

Sec. 11-1500 Establishment and authority.

11-1501 *Purpose and general authority.* The planning commission is established to perform such duties as are set forth in, and exercised the authority conferred by, chapter 9 of the city charter, this ordinance and other applicable law. In general, the commission shall have such powers as may be necessary to enable it to fulfill its function, promote planning and carry out the purposes of this ordinance.

11-1502 Composition of planning commission.

(A) The city planning commission shall consist of seven members, who shall be qualified resident voters of the city who hold no office of profit under the city government, appointed by the city council for terms of four years. The city manager shall designate an officer or employee to sit with the commission with the right to discuss and advise but without the right to vote. Vacancies shall be filled by council for the unexpired portion of the term.

(B) Members of the city planning commission shall serve as such without compensation, but may receive reimbursement for travel and expenses incurred by attendance at conventions, meetings and such other travel as they may perform in the interest of the City of Alexandria in the performance of the duties and activities of the planning commission.

(C) Any member of the planning commission may be removed from office by the city council after public hearing, of which such member shall receive at least 10 days notice in writing, for inefficiency, neglect of duty or malfeasance in office.

11-1503 Organization and staff.

(A) The commission shall elect a chairman and vice-chairman from among its members, for a term of one year and appoint a secretary. The officers shall be eligible for reelection. The commission shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. The commission shall make an annual report to the council concerning its activities.

(B) The city manager may appoint such employees as the manager may deem necessary for the work of the commission and may enter into contracts with planners, engineers, architects and other consultants for services that the commission may require. All

expenditures, exclusive of gifts to the commission, shall not exceed the sums appropriated by the city council therefore.

(C) All public officials shall, upon request, furnish to the commission within a reasonable time such available information as it may require for its work. The commission, its members, officers and employees in the performance of their duties may enter upon any land in the city and make examinations and surveys and place and maintain necessary monuments and markers thereon, and shall have the right to apply to an appropriate court for the issuance of a warrant for same.

11-1504 Powers and duties with respect to master plan and zoning.

(A) It shall be the duty of the commission to make and adopt a master plan which, with the accompanying maps, plats, charts, and descriptive matter, shall show the commission's recommendations for the development of the territory covered by the plan.

(B) The commission may adopt the plan as a whole by single resolution or may by successive resolutions adopt successive parts of the plan, said parts corresponding to major geographical sections or geographical or topographical divisions of the city or with functional subdivisions of the subject matter of the plan. The commission also may adopt any amendment or extension thereof or addition thereto and from time to time, at intervals not exceeding five years, shall prepare and submit to the council such changes in or revisions of said plan as changing conditions may make necessary.

(C) The commission shall the power to promote public interest in and understanding of the plan and to that end may publish and distribute copies of the plan or any report relating thereto, and may employ such other means of publicity and education as it may determine.

(D) It shall be the duty of the planning commission to prepare and submit to the council from time to time, at intervals not exceeding two years, such changes in or revisions of this ordinance as changing conditions may make necessary.

11-1505 Miscellaneous actions requiring planning commission approval.

(A) No street, square, park or other public way, ground or open space, or public building or structure shall be authorized or constructed in the city unless and until the general location, character and extent thereof has been submitted to and approved by the commission as being substantially in accord with the master plan.

(B) No widening, extension, narrowing, enlargement, vacation or change in the use of any street, square, park and other public way, ground or open space place within the city, and no sale of any land held by the city, shall be authorized to take place unless and until such transaction has been submitted to and approved by the commission as being substantially in accord with the master plan.

(C) No public utility, whether publicly or privately owned, shall be authorized or constructed in the city unless and until its general location, but not its character and extent, has been submitted to and approved by the commission as being substantially in accord with the master plan.

(D) In case of disapproval by the commission in any of the instances enumerated above in this section, the commission shall communicate its reasons to the city council which shall not have the power to overrule such action except by a recorded affirmative vote of three-fourths of the members of the council.

(E) In any of the instances enumerated above in this section, the failure of the commission to act within 60 days from the date of the official submission to it shall be deemed approval.

(F) The foregoing provisions of this section shall not be deemed to apply to the pavement, repavement, reconstruction or improvement, to the laying of underground pipes and conduits for normal service extension or drainage, or to other similar work in or upon any existing street or other existing public way.

11-1506 *Subdivision committee.*

(A) A committee of the commission is established for the purpose of hearing and acting on applications for subdivision approval when the parcel to be subdivided does not exceed three acres, no new public or private streets are proposal and no dedications are involved.

(B) The committee shall consist of two members of the commission, who shall be appointed by the chairman, and the director or his designee. Any two members shall constitute a quorum.
(Ord. No. 3609, § 1, 12-12-92; Ord. No. 3845, § 1, 2-24-96)

Sec. 11-1600 Meetings and procedures.

11-1601 *Meetings.* The planning commission shall meet at least once each month at such time and place as may be designated. Special meetings shall be upon the call of the chairman consented to by a majority of the members.

11-1602 Attendance of applicants.

(A) The applicant for any site plan, subdivision plat or special use permit approval, or for any change in zone boundaries, or for any vacation of or encroachment upon any public right-of-way, or an authorized representative of such applicant, shall appear atand attend, at the time and place designated, the public hearing on and the consideration of such application by the planning commission.

(B) In the event such applicant or representative fails to so appear and attend, the planning commission may deny and dismiss such application without prejudice to the right of the applicant to refile the application, or the commission may defer public hearing and consideration of such application until the next regularly scheduled meeting of the commission; provided, that the commission shall not defer public hearing and consideration of any application if deferral would result in the approval of the application by virtue of the inaction by the commission within the time provided by law for approval or denial of such application.

(C) If the commission defers an application, it shall cause written notice of the time and place of its next regularly scheduled meeting to be mailed, first class, postage prepaid to the applicant at the address indicated on the application form, not less than 10 days in advance of the date of such meeting, and the applicant or his representative shall appear and attend at the time and place designated in such notice. In the event the applicant or his representative fails to appear at and attend the deferred public hearing and consideration of such application, the application shall be denied and dismissed by the planning commission and the subject matter thereof shall not be considered by the commission or city council for a period of six months from the date of such denial and dismissal.

(D) Notwithstanding any provision in this ordinance to the contrary, no appeal shall lie to city council from the denial and dismissal of any application pursuant to the provisions of this section, and any application which has been so denied and dismissed by the planning commission shall forthwith be stricken from the city council docket.

(E) The director of the department of planning and zoning shall append a statement setting forth the provisions of this section to all application forms to which this section is applicable.
(Ord. No. 3609, § 1, 12-12-92; Ord. No. 3743, § 2, 1-21-95)

DIVISION E. SUBDIVISION REGULATIONS

Sec. 11-1700 Subdivisions.

11-1701 *Purpose.* The purpose of these regulations is to provide for the orderly division of land for development or transfer of ownership and for an accurate system of recording land division and ownership.

11-1702 *Administration.* Unless otherwise specifically provided, the director has the duty to administer and enforce the provisions of this section 11-1700 and the authority to establish rules and regulations to do so.

11-1703 *Approved subdivision plat required.*

(A) Subdivision required. Any owner or contract purchaser of any land located within the city who desires to subdivide it shall make a plat of the subdivision and have it approved under this section 11-1700.

(B) Recording prohibited. No plat or subdivision of land within the city shall be filed or recorded by the clerk of any court having jurisdiction until approved by the commission and the approval is entered in writing on the plat by the chairman or vice-chairman of the commission and the director.

(C) Reference to unrecorded plat prohibited. No land or portion of land may be transferred, sold, offered for sale or the subject of an agreement of sale by reference to or display of an unapproved and unrecorded plat, regardless of whether the land is also described by metes and bounds.

(D) Effect of recording. The recording of the plat shall operate to transfer in fee simple to the city that portion of land on the plat set apart for streets, alleys, easements or other public use or purpose and create a public right of passage over or use of it.

11-1704 *Exemption to plat requirement.* The following cases are not subject to the requirements or procedures of this section 11-1700:

(A) *Consolidation.* The vacation or removal of a recorded lot line to recombine land previously subdivided does not require compliance with the provisions of this section 11-1700, provided that a copy of the plat of consolidation is filed with the director.

(B) *Council approved development.* In the case of a development proposal that includes the submission of a site plan and requires the approval of city council, including without limitation cluster development and development special use permits, no preliminary

plat shall be filed but the site plan or development plan submitted for approval shall contain proposed lot lines and all other information required as a part of a preliminary plat. In these cases,

(1) The council approval shall act as the preliminary plat approval;

(2) A final plat shall be filed in compliance with section 11-1709;

(3) The rule regarding automatic approval of a preliminary plat if there is no action within 45 days shall not apply;

(4) The preliminary approval is valid so long as the site plan or development plan of which it is a part remains valid;

(5) The final plat shall be consistent with the released final site plan; and

(6) The final plat may not be recorded before the release of the final site plan.

11-1705 Subdivision plat classification. Subdivision plats shall be classified as preliminary and final plats. Preliminary and final subdivision plats may be combined and treated as a final plat in either of the following instances, provided that all of the information required for both a preliminary and final plat is included in the submission, the final plat complies with the requirements of section 11-1709, and the procedure for processing either a minor subdivision or a preliminary subdivision plat is followed:

(A) A subdivision of one block or less; or

(B) A resubdivision of existing lots.

11-1706 Contents of preliminary plat application.

(A) An application for preliminary plat approval shall be submitted by the owner or contract purchaser of the subject property on forms the director may prescribe. It shall include a clear and concise statement identifying the applicant and, if different, the owner of the property, including the name and address of each person or entity owning an interest in the applicant or owner and the extent of the ownership interest. If any of those entities is a corporation or a partnership, only those persons owning an interest in excess of three percent in that corporation or partnership need be identified by name, address and extent of interest. For purposes of this section 11-1706(A), the term

ownership interest shall include any legal or equitable interest held at the time of the application in the real property which is the subject of the application.

(B) The preliminary plat shall be prepared under the charge of a professional engineer or land surveyor authorized by the Commonwealth of Virginia, or, if required by the director, by both.

(C) No fewer than 15 copies of the preliminary plat at a scale of not less than 100 feet to the inch shall be submitted with the application. Print size not exceed 24 by 36 inches.

(D) An application for preliminary plat approval shall include the following information and material:

(1) Subdivision name.

(2) The name and address of the owner or record and the applicant.

(3) The name, address, certificate number and seal of the surveyor or engineer.

(4) The gross area in acres and total number of buildings lots or sites involved.

(5) The date, north point and scale.

(6) The zoning of the property.

(7) A form or space, not less than two and one-quarter by three and one-half inches, on which approval by the commission may be shown.

(8) Lot lines with the dimensions of the length and width of the lots.

(9) In the case of resubdivisions, all lot lines or lot numbers that are proposed to go out of existence by reason of the resubdivision shall be shown by dotted lines and numbers.

(10) The location of the property immediately adjoining the proposed subdivision and the names and addresses of all of its owners.

(11) The location and width of all proposed streets, alleys and public areas and their dimensions.

(12) Points of connection with the city sewer system.

(13) Location of all easements, reservations and highway setbacks, as established by section 7-1006 of this ordinance.

(14) The width and name of adjacent existing streets, alleys, easements and public utilities, including, without limitation, lines for water, gas, electric, telephone, storm and sanitary sewer, and railroads shown graphically.

(15) Limits of floodplains and resource protection areas.

(16) The location of any grave or object or structure marking a place of burial.

(17) In the following cases the preliminary plat shall be superimposed on a topographic map, at a scale of not greater than 100 feet to the inch, showing contours at intervals not greater than two feet or greater intervals when permitted by the director, and correlated to the U.S. Coast and Geodetic Survey datum, for the purpose of showing the character and drainage of the land:

(1) Whenever any land within the parcel subdivided is to be dedicated to public use; or

(2) For all subdivisions containing lots or parcels of less than one-half acre.

(18) The proposed street grade data and the method of storm water disposal.

(19) The general location, dimension, size, height and species of major trees and shrubs.

(20) Existing building with dimensions from the buildings to the nearest lot lines.

(21) When known, areas that can reasonably be expected to or which do contain soils or materials contaminated with, but not limited to heavy metals, petroleum products, PCB's, pesticides, flyash, or other toxic or hazardous materials.

(22) When known, underground storage tanks.

(23) When known, areas located within 1,000 feet of a former sanitary landfill, dump or disposal area.

(24) When known, areas with the potential of generating combustible gases.

11-1707 *Procedures for preliminary plat approval.* The following procedures shall govern the processing and review of applications for preliminary plat approval.

(A) *Filing application.*

(1) An application for preliminary plat approval shall be filed with the director and shall contain the information specified in section 11-1706.

(2) No application shall be accepted unless it is determined to be complete by the director.

(B) *Staff review.* The director shall review the application to determine if the application's contents are complete and adequate for appropriate review and shall send the application to other relevant departments for their review and recommendation. Upon receipt of the departments' recommendations, the director shall prepare a staff report indicating the departments' judgment on the merits of the application. If the director does not agree with a recommendation prepared by another department, that recommendation shall be stated separately and the reasons for the director's disagreement shall be included in the report.

(C) *Docketing for final action.* The director shall see that all required staff reviews are completed and that the application is docketed for consideration in sufficient time for action within 45 days from the day a complete application was accepted, unless the applicant agrees to a longer period of time.

(D) *Changes to application.* If an applicant submits materials to supplement its application before final action by the commission, the director shall review the additional material to determine whether additional staff time is necessary to assess the application. If additional time is necessary, and consistent with section 11-1707(C) above, the director may extend the review period or, in the event of a major revision, may require that a new application be filed. In either event, the time limitation of section 11-1708(B)(2) shall not apply.

11-1708 Action on preliminary plats.

(A) *Standard for approval.* An applicant for preliminary plat approval shall demonstrate to the satisfaction of the commission that:

(1) The applicable factors of section 11-1710 have been appropriately considered in the plat;

(2) The subdivision will not adversely affect the public health, safety and welfare; and

(3) The application complies with all provisions of this ordinance and all applicable laws.

(B) *Action by planning commission.*

(1) *Public hearing.* Within 45 days of the day a complete application was accepted by the director, the commission shall hold a public hearing and act on the application for preliminary plat approval by approving or disapproving the plat or approving it with conditions, required revisions, additions or changes. The commission shall give its reasons for a disapproval.

(2) *Automatic approval.* Failure of the commission to act within 45 days from the day a complete application is accepted shall be deemed to constitute approval of the plan unless, before the expiration of such period, the applicant agrees to a longer period of time.

(3) *Restrictions on buildings.* The commission shall have the power to agree with the applicant on restrictions or requirements governing buildings and land within the subdivision, provided those restrictions do not authorize a violation of any ordinance of the city. Those requirements or restrictions shall be stated upon the final plat before approval and recording and shall have the same effect as though set out as a part of this ordinance.

(C) *Action by subdivision committee.* The director may refer an application for subdivision to the subdivision committee established under section 11-1506 when the parcel to be subdivided does not exceed three acres and no dedication of land is involved. In that case, the following procedures shall apply:

(1) The committee shall act on an application referred to it after a public hearing with notice under section 11-300 or it may, in its discretion, refer an application to the full commission for action. The committee's action, including any referral to the full commission, shall occur within the 45-day limitation of section 11-1708(B)(2).

(2) A decision of the committee shall be considered the final action of the commission unless an appeal is filed.

(3) A decision of the subdivision committee, except a decision to refer an application to the full commission for action, may be appealed to the commission by the same persons identified

in section 11-1708(D)(1) by filing a written notice of appeal with the director within five days following the committee action. The appeal shall be heard de novo by the commission at the first regular meeting for which proper legal notice can be given.

(D) *Appeal of action of preliminary plat.*

(1) After the commission approves or disapproves a plat submitted under this section, there may be an appeal from the decision to the city council. An appeal from an approval must be made by the owners of at least 20 percent of the area of the land within 300 feet of the boundaries of the proposed subdivision. The director shall verify that those filing are legal property owners. The director of transportation and environmental services shall verify the required 20 percent area. Streets, alleys and land dedicated to public use or land owned by the city, state or federal government or public agencies shall not be included in computing that area.

(2) An appeal from an approval or disapproval by the commission shall be made in writing and filed with the city clerk within 15 days from the decision of the commission. When an appeal is filed, the city council shall schedule at least one de novo public hearing on the matter and may affirm, reserve or modify the decision of the commission or return the matter to the commission for further consideration. On appeal the same standards shall be applied by the council as are established for the commission.

(3) When an appeal is filed, the commission shall forward one copy of the plat, together with its reasons for approval or disapproval, to the city council and shall designate at least one member of the commission to appear before the city council at the public hearing.

(4) The legal effect of commission approval shall be stayed pending the outcome on appeal.

11-1709 Final plats.

(A) *Application for approval of final plat.* If a preliminary subdivision plat is approved, or approved with modifications, and no appeal is taken, the applicant shall have a final plat of subdivision prepared by a professional engineer or land surveyor authorized by the Commonwealth of Virginia, or if required by the director, by both. The plat shall conform to the Standards for Plats adopted by

the Virginia State Library Board under 42.1-82 of the Virginia Code. The plat may show only part of the land designated on the preliminary subdivision plat if desired. The final plat shall incorporate any changes requested by the commission on the preliminary plat. The original tracing and five prints of the final plat shall be filed with the director and shall constitute the application for approval for the final plat.

(B) *Contents of application.* The final plat shall contain the following:

(1) All of the information required of a preliminary plat under section 11-1706(D), except for items 16—24;

(2) The location of metal monuments of not less than one inch in diameter and 24 inches in length shown this: O, and located in the ground at each intersection of streets and alleys with plat boundary lines, and at all points on street, alley and boundary lines where there is a corner, change in direction, or curvature.

(3) A surveyor's or engineer's seal and certificate of survey in the following form, which may be modified to accommodate title information:

"I hereby certify that I have carefully surveyed the property delineated by this plat, and that is it correct to the best of my knowledge and belief; that this is a subdivision of part (or all) of the land conveyed by _____ to _____ by deed dated _____ and recorded among the land records of _____ in Deed Book _____ at page _____ and is within those boundaries; and that all required monuments have been installed where indicated; except those that will be installed at a later date but before completion of the project.

Certified Surveyor or Engineer"

(4) A curve table shall be placed on the final plat containing the following for all curvilinear boundaries and street centerlines; delta, radius, arc, tangent, chord and chord bearing. All distances shall be shown to the nearest one-hundredth of a foot; angles or bearings to the nearest ten seconds.

(C) *Approval.* Final plats submitted under this section shall be checked for substantial compliance with the preliminary plat previously approved by the commission and for compliance with the provisions of this section 11-1700. If the director determines

that the plat conforms with such requirements, the plat shall be approved, and he and the chairman or vice-chairman of the commission shall sign it.

(D) *Retention of original.* Following release of authenticated copies of the approved plat for recording purposes, the original tracing shall be filed in the office of the director, where it shall be kept as a permanent record and for purposes of reproduction.

11-1710 *Subdivision requirements.* In reviewing an application, the commission shall consider the following:

(A) All subdivisions shall be planned to include adequate and convenient open space for traffic, to provide for the installation of utilities, to give access to fire fighting apparatus, and to give due consideration for suitable sites for schools, parks, playgrounds and other desirable amenities.

(B) No lot shall be resubdivided in such a manner as to detract from the value of adjacent property. Lots covered by a resubdivision shall be of substantially the same character as to suitability for residential use and structures, lot areas, orientation, street frontage, alignment to streets and restrictions as other land within the subdivision, particularly with respect to similarly situated lots within the adjoining portions of the original subdivision. In determining whether a proposed lot is of substantially the same character for purposes of complying with this provision, the commission shall consider the established neighborhood created by the original subdivision, evidence of which may be shown by:

(1) Subdivision plat documents, including amendments to the subdivision over time, as well as the development that has occurred within the subdivision; and

(2) Land in the same general location and zone as the original subdivision with the same features so as to be essentially similar to the original subdivision area.

(3) No resubdivision shall be approved which results in the creation or the continuation of a lot, building or structure which does not comply with the provisions of this ordinance, unless the commission expressly authorizes a variation pursuant to section 11-1713 of this ordinance.

(C) The plat shall conform as near as possible to the master plan and its amendments, a copy of which is on file in the office of the director.

(D) The subdivision shall conform to the requirements of the zone in which the subdivision is situated.

(E) All streets that are designated as part of the main street system on the master plan shall be coterminus with adjoining links in the system and at the same or greater widths.

(F) As far as practicable, all proposed streets shall be continuous and in alignment with existing streets.

(G) Public streets and alleys shall conform to the requirements of section 5-2-4 of the City Code. Private streets shall comply with the general standards and specifications for private streets adopted by the director of transportation and environmental services.

(H) Names of new streets shall be designated in accordance with section 5-2-64 of the City Code. The names of existing streets may not be duplicated but an existing street may be extended under the same name.

(I) In general, side lot lines shall be at right angles to street lines, and on curved streets the lot lines shall be radial.

(J) All lots shall be numbered. In resubdivisions, the lots shall be numbered in the series of 500 for a first resubdivision, and in the series of 600 for a second resubdivision and so on.

(K) The blocks shall be numbered, and no block shall be planned to provide for more than two rows of lots. Crosswalks, not less than 10 feet wide and paved to a width of four feet, may be required in blocks over 750 feet long.

(L) Required off-street parking shall not be an integral part of any public street.

(M) Through lots shall be avoided whenever possible.

(N) Fillet curves having a radius of not less than 25 feet shall be provided for all corners at street intersections, provided, that a lesser curve may be approved by the director of transportation and environmental services.

(O) If a piece of land is to be subdivided into larger parcels than for building lots, the land shall be divided to allow for the opening of major streets and the ultimate extension of adjacent minor streets, and all such parcels shall have legal frontage on a dedicated public street.

(P) Permanent reference monuments shall be set at the ends of any lines as may be designated by the director of transportation and

environmental services, but no fewer than two such monuments shall be set in each block. All monuments shall be set in the ground before the final plat is approved, unless, in the opinion of the director of transportation and environmental services, the amount of grading involved in the project will make such monuments useless. If earlier setting would be useless, the monuments shall be set before release of the performance bond or as specified by the director of transportation and environmental services.

(Q) The engineer or surveyor shall provided a boundary survey of the entire parcel and each subsequent section. The allowable error of closure of such parcel or section shall not be less accurate than one part in 10,000. The boundaries of the parcel or section shall be connected with an calculated on the basis of the Virginia coordinate system, north zone, and the coordinates of two adjacent corners shown on the plat if a coordinate station lies within 1,200 feet of the nearest corner of the entire parcel in question; provided that a subdivision consisting of fewer than seven lots or an area of less than three acres need not be reported on the Virginia coordinate system unless a coordinate station is available within 500 feet of the property to be subdivided. Resubdivision of lots in existing recorded subdivisions shall not be subject to this requirement.

(R) Street plans and profiles, including, but not limited to, storm drainage and sanitary service sewer facilities, and all underground public service facilities, existing and proposed, including without limitation water sewer and electric, shall be submitted and approved by the director of transportation and environmental services before release for recordation of the final plat. For culs-de-sac or involved intersections, spot grades may be required if the director of transportation and environmental services deems it necessary. The public service companies shall provide plans to scale or other information sufficient to provide the project engineer with data necessary to complete accurate and detailed street plans and profiles so that the street plans and profiles shall conform to the standards set by the director of transportation and environmental services. Facilities shall be constructed in accordance with approved plans, unless amendments are approved by the director of transportation and environmental services.

11-1711 *Required improvements.* Improvements required in conjunction with subdivision approval shall be the same as those required for site plans under section 11-412 and the cost of those improvements shall be established under section 11-413 of this ordinance.

11-1712 Amendments to approved plat. A major change to an approved subdivision plat, other than those requested by the commission, requires that an amended subdivision plat be filed and approved. A minor, nonmaterial modification may be approved by the city manager, on the recommendation of the director and the director of transportation and environmental services.

11-1713 Variations.

(A) The commission may, by vote of a majority of its members, authorize specific variations from the provisions of this section 11-1700, when the commission finds that (i) a strict adherence to such provisions would result in substantial injustice (ii) the use and character of the resulting lots or parcels in such a subdivision would not be inconsistent with the use provisions of the zone in which the property is situated and with the existing development in the immediate area; (iii) and one or more of the following special circumstances exists:

(1) Extremely rugged topography.

(2) Irregularity in shape of parcel preventing conformance with normal lot area or frontage requirements.

(3) Insufficient frontage on existing street where the interior of the tract can be served only by a street substandard in width when not serving more than five lots, provided the street is not less than 30 feet in width. If only a single lot is served, the width may be less than 30 feet. A turn around area may be required.

(4) Streets along border of the subdivision where the subdivision borders on unsubdivided land and the remaining street width will be provided from adjacent land.

(5) Resubdivision of lots in subdivisions of record as of January 1, 1952, where, because of existing structures or gross area of land involved, the subdivided lots would not conform to all of the requirements of the zone in which the subdivision is located.

(B) As used in this section, "substantial injustice" means that the strict application of this ordinance would create an unreasonable burden on the development, use and enjoyment of the property which outweighs the land use or land development purposes served by the specific zoning provision or provisions of this ordinance at issue.

(C) The applicant shall have the burden of establishing each element required for the grant of a variation.

11-1714 Time of validity.

(A) *Time for recording.* Approval of a preliminary plat shall be null and void if no final plat or the subdivision or a section of its it recorded in the office of the clerk of the circuit court of the city within 18 months after the date of approval, unless application for an extension of time is made.

(B) *Extension of time.* An extension of time for recording a final plat may be granted by the commission if an application if filed with the director during the 18-month period and the application is granted by the commission. No extension of time shall be granted unless an additional filing fee, which is one-half of the filing fee charged for final plats, is paid.

(Ord. No. 3845, § 1, 2-24-96; Ord. No. 4457, § 2, 6-27-06; Ord. No. 4472, § 2, 1-20-07; Ord. No. 4652, § 1, 4-17-10; Ord. No. 5027, § 2, 6-18-16)

ARTICLE XII. NONCOMPLIANCE AND NONCONFORMITY

Sec. 12-100 Noncomplying structures.
Sec. 12-200 Nonconforming uses.
Sec. 12-300 Noncomplying uses.
Sec. 12-400 Substandard residential lots.
Sec. 12-500 Uses or structures grandfathered under prior law.
Sec. 12-600 Community unit plan, planned unit development, cluster special use permit, transitional special use permit and CO planned residential/commercial development.
Sec. 12-700 Application of article to lands received in exchange with Arlington County; residential buildings in areas designated for residential use in the master plan map.
Sec. 12-800 Registration of nonconforming uses and noncomplying uses and structures.
Sec. 12-900 Developed substandard residential lots.

Sec. 12-100 Noncomplying structures.

12-101. Terms defined.

(A) Noncomplying structure means any building or structure that existed prior to the effective date of any change in the zoning regulations or restrictions, but which thereafter, by reason of such change, is not in compliance with the zoning regulations or restrictions then in effect.

(B) The term noncomplying structure does not include a structure that was grandfathered under prior law.

(C) In the event a nonconforming use is located in a noncomplying structure, the provisions of sections, 12-204, 12-205, 12-207, 12-208, and 12-209 shall apply.

(D) A structure located on a parcel that is reduced in size by virtue of the exercise of eminent domain shall be considered a noncomplying structure if the reduction in parcel size is the cause of such noncompliance and the structure preexisted the reduction in size.

12-102 Noncomplying structures. Noncomplying structures shall be permitted to continue indefinitely and shall be considered legal structures, but subject to the following restrictions:

(A) *Expansion.* No noncomplying structure may be physically enlarged or expanded unless such enlargement or expansion complies with the regulations for the zone in which it is located.

(B) *Reconstruction.* If a noncomplying structure is destroyed, demolished or otherwise removed, it may be reconstructed provided that there is no increase in the floor area ratio, density, height or degree of noncompliance which existed prior to such destruction.

(C) *Repairs and maintenance.* A noncomplying building may be remodeled, renovated, maintained, repaired and altered so long as such work complies with section 12-102.

(D) *Residential reuse.* A building which faces the unit through 1500 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 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.

(Ord. No. 4273, § 1, 10-19-02)

Sec. 12-200 Nonconforming uses.

12-201 Terms defined.

(A) Nonconforming use means any use that lawfully existed prior to any change in the zoning regulations or restrictions, but which thereafter, by reason of such change, is not in conformity with the zoning regulations or restrictions then in effect.

(B) The provisions of this section 12-200 apply only to nonconforming uses, not to structures or to noncompliance that arises from a failure to conform to the provisions of this ordinance relating to height, floor area ratio, density, yard, setback or open space.

(C) The term nonconforming use does not include a use that does not comply with the zoning regulations or restrictions by reason of the changes in such regulations or restrictions enacted on June 24, 1992 (see section 12-300, below) nor to one that was grandfathered under prior law.

12-202 Continuance of nonconforming uses. Any nonconforming use, lawfully existing at the time of the passage of a zoning ordinance, may be continued as such subject to the provisions of this section 12-200, it being the intent of the city to provide for the eventual elimination of all nonconforming uses.

12-203 Effect of abandonment of nonconforming use for twelve months. In case a nonconforming use shall be abandoned for 12 months, then such nonconforming use shall terminate and the use of the property shall revert to a

conforming use of the zone in which it is located. This section 12-203 shall not apply where the nonconformance is occasioned only by variation in off-street parking requirements.

12-204 *Effect of damage to nonconforming use.* In the event that a structure containing a nonconforming use is damaged to the extent of more than 60 percent of its reasonable replacement value, then such nonconforming use shall terminate and the use of the property shall revert to a conforming use of the zone in which it is located. In the event that there is a dispute as to whether the property has been damaged to the extent of more than 60 percent of its reasonable replacement value, the extent of the damage shall be determined by the average of the estimates of damage and based upon the cost of restoration as furnished by three independent qualified contractors, one of whom shall be selected by the owner, one of whom shall be selected by the city, and a third to be selected by the first two mentioned contractors.

This section 12-204 shall not apply where the nonconformance is occasioned only by variation in off-street parking requirements.

12-205 *Nonconforming uses consisting of buildings under single ownership.* Whenever a nonconforming use is contained in two or more buildings or structures all under single ownership and operation and on one tract of land at the time at which any such use first became nonconforming, the uses in all such buildings and structures shall in the application of the provisions of this section 12-205, be treated as a single nonconforming use, so long as they remain under single ownership.

12-206 *Change in nonconforming use.*

(A) *When special use permit required.* Except as provided in section 12-206(B), a nonconforming use may be changed with a special use permit to another use in the same zone classification that applied to the nonconforming use immediately prior to the time such use first became a nonconforming use. Such special use permit may be approved by the council after it has determined whether or not the desired use in each instance would be in the best interests of the health, safety and general welfare of the public. A nonconforming use may be continued in the form of a different trade, business or activity provided such trade, business or activity is within the scope of the use as listed in the ordinance existing immediately prior to the time the nonconforming use first became a nonconforming use.

(B) *Change back to less restricted use.* Whenever a nonconforming use has been changed to a more restricted or conforming use, such use shall not thereafter be changed to a less restricted use. In the application of this provision, a use requiring a special use permit by the city council shall be considered to be a more restricted use than uses allowed in the same zone without such permit.

12-207 *Reserved.*

12-208 *Extension or enlargement of nonconforming use.* No nonconforming use shall be extended, enlarged or added to unless such use is changed to conform to the use regulations prescribed for the zone in which it is situated.

12-209 *Reserved.*

12-210 *Regulation of nonconforming uses in residential zones.*

(A) In all residential zones, every nonconforming commercial or industrial use shall be removed or converted and the building, structure or land thereafter used only for such uses as are permitted in the zone in which the building or structure is located, within 40 years of December 28, 1951, or within 40 years of the date on which such building becomes nonconforming.

(B) Notwithstanding the provisions of section 12-210(A), any nonconforming commercial use in a building or structure zoned for residential use may continue following December 28, 1991, subject to the following provisions:

(1) The owner or operator of such nonconforming commercial use may apply for a special use permit to continue such use, pursuant to section 11-500 and this section 12-210(B).

(2) The granting of such special use permit shall constitute authority for the applicant and any other persons expressly authorized therein to continue the commercial use beyond December 28, 1991, subject to such terms and conditions as council may provide in granting the special use permit; provided, that no such permit may authorize any increase in the size or intensity of the commercial use greater than that which existed on June 27, 1989, or any change to a less restrictive use than that which existed on June 27, 1989, or excuse compliance with the provisions of section 12-303.

(3) When an application for a special use permit under this section 12-210(B) is considered, the following criteria shall apply in addition to those set forth in section 11-504:

(a) The degree to which the commercial use serves the nearby neighborhood;

(b) The degree to which the commercial use is compatible with existing uses in the nearby neighborhood; and

(c) The degree to which the commercial use enhances the nearby neighborhood.

(4) City council may grant a special use permit under this section 12-210(B) if it determines that the commercial use serves the nearby neighborhood, is compatible with existing uses in the nearby neighborhood, enhances the nearby neighborhood, and complies with the standards for approval set forth in section 11-504.

(C) Any nonconforming commercial use for which a special use permit has been approved pursuant to section 12-210(B) may be changed to another commercial use authorized, by right or with a special use permit, in the zone classification in which such nonconforming commercial use is first permitted (i.e., in the most restrictive zone classification in which such use is a permitted use) in the zoning code in effect at the time such use first became a nonconforming use, or to a more restrictive use, only if, city council, after making the determinations required by section 12-210(B)(4), grants a special use permit authorizing the changed use.

(D) To the extent that any other provisions of this section 12-200 are inconsistent with the provisions of this section 12-210 or with the terms and conditions of any special use permit granted hereunder, the provisions of this section 12-210 or the terms and conditions of such permit, as the case may be, shall be controlling.

(E) Notwithstanding the provisions of sections 12-201 through 12-209, any multifamily dwelling, which is classified as a nonconforming use as defined in section 12-201 may be reclassified as a noncomplying use, subject to the provisions of this section 12-210(E):

(1) The owner or operator of such a nonconforming use may apply for a special use permit to reclassify such use as provided in section 11-500 and this section 12-210(E).

(2) The granting of such special use permit shall constitute the reclassification of such multifamily dwelling from nonconforming use to noncomplying use status, subject to such terms and conditions as council may provide in granting the special use permit, and subject to section 12-300, to the extent adopted by city council in approving the special use permit; provided that no such permit may authorize any increase in the size or intensity of such multifamily use greater than that which existed on June 24, 1992, or any change to a less restrictive use than that which existed on June 24, 1992.

(3) When an application for a special use permit under this section 12-210(E) is considered, the following criteria shall apply in addition to those set forth in section 11-500:

(a) The degree to which the multifamily dwelling is compatible with existing uses in the nearby neighborhood; and

(b) The degree to which the multifamily dwelling provides diversity in the housing stock available within the city; and

(c) The degree to which the reclassification of such multifamily dwelling will serve to promote the retention of a use compatible with existing uses in the nearby neighborhood and the provision of diversity in the housing stock available within the city.

(4) City council may grant a special use permit under this section 12-210(E) if it determines that the multifamily dwelling is compatible with the existing uses in the nearby neighborhood; provides diversity in the housing stock available in the city; promotes the retention of a use compatible with existing uses in the nearby neighborhood and the provision of diversity in the housing stock available within the city; and complies with the requirements of section 11-500.

(5) To the extent that any other provisions of this section 12-200 are inconsistent with the provisions of this section 12-210(E) or with the terms and conditions of any special use permit granted hereunder, the provisions of this section 12-210(E) or the terms and conditions of such permit, as the case may be, shall be controlling.

12-211 *Regulation of nonconforming rooming houses and boardinghouses.* Any rooming house or boardinghouse in existence on December 12, 1987, for which a special use permit has not been granted shall be deemed a nonconforming use and shall be discontinued on or before June 30, 1992, unless it obtains a special use permit which authorizes its continuation subject to the following:

(A) No later than May 1, 1992, the owner or operator of any such nonconforming rooming house or boardinghouse may seek from city council an extension of the date by which it must come into conformity with this section 12-211 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such rooming house or boardinghouse made by the petitioner prior to December 12, 1987, cannot be obtained prior to June 30, 1992.

(B) Council shall conduct a public hearing on any such petition, prior to which the director shall provide notice in accordance with the provisions of section 11-300 of this ordinance.

(C) Following the hearing, council may extend the June 30, 1992, date only if it finds that a strict application of the date will deny

the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming rooming house or boardinghouse made by the petitioner prior to December 12, 1987, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

12-212 *Discontinuance of nonconforming uses of land.* The nonconforming use of land, not involving a main building, shall be discontinued within two years of the date on which such use became nonconforming.

12-213 *Abatement of certain home occupation uses.*

(A) A home occupation accessory use, in connection with which there occurs any on-site participation, employment or use of labor from persons who are not bona fide, full time residents of the dwelling, shall be categorized as an illegal use under this ordinance and prior law, and all such participation, employment or use of labor shall cease within 30 days of any written order issued by the director pursuant to sections 11-204 or 11-206, and such use shall thereafter comply with the requirements of section 7-300 of this ordinance.

(B) Notwithstanding the provisions of subsection (A), a home occupation accessory use, otherwise subject to subsection (A), which existed on June 24, 1992, may apply for an abatement special use permit pursuant to this subsection, provided that application therefor is filed within 60 days of April 17, 1993. In addition to any other provisions of law:

(1) The applicant for such permit shall be a natural person who shall have been a bona fide, full time resident of the dwelling since June 24, 1992.

(2) The permit may be issued only to the named applicant as permittee, and shall not be alienable or transferable in any manner.

(3) The permit shall expire, and the home occupation shall cease or revert to compliance with section 7-300, within the time specified in the permit and, in any event, at the earlier of such specified time or such time as the permittee ceases to be a bona fide, full time resident of the dwelling. The uninterrupted absence of the permittee from the dwelling for a period of 60 days or longer shall create a rebuttable presumption that bona fide residence has ceased.

(4) In addition to any other conditions imposed, the following shall be required conditions of the permit:

(a) No intensification of the use as it existed on June 24, 1992, and as described in the permit application shall be permitted at any time.

(b) No advertising of the home occupation by television, radio or direct mail shall be permitted at any time.

(c) To the extent that any other provision of this ordinance is inconsistent with the provisions of this section 12-213 or any special use permit granted hereunder, the provisions of this section or the terms and conditions of such special use permit shall be controlling.

12-214 Abatement of nonconforming uses.

(A) Promptly upon becoming aware of the existence of a nonconforming use, the director shall notify the property owner and, if different, the property operator of the nonconforming status of such use. The nonconforming use shall be discontinued on or before the expiration of a period of seven years from the date of such notice, unless, prior to the expiration of such period, a special use permit which authorizes the continuation of the nonconforming use has been approved, or the seven-year period has been extended by the city council, pursuant to the following:

(1) The owner or operator of the nonconforming use may apply for a special use permit to continue such use, pursuant to section 11-500 and this section 12-214.

(2) The granting of a special use permit under this section 12-214 shall constitute authority for the applicant and any other persons expressly authorized therein to continue the use beyond the expiration of the seven-year period, subject to such terms and conditions as council may provide in granting the special use permit; provided, that no such permit may authorize a change to a different nonconforming use than that which existed on the date of notification, or any increase in the size or intensity of the use greater than that which existed on the date of notification, or excuse compliance with the provisions of section 12-303.

(3) When an application for a special use permit under this section 12-214 is considered, the following criteria shall apply in addition to those set forth in section 11-504:

(a) the degree to which the use serves the nearby neighborhood; and

(b) the degree to which the use is compatible with the uses in the nearby neighborhood.

(4) In the case of a conflict between the general nonconforming use provisions of section 12-200, the more specific provisions of this section 12-214, or the terms and conditions of a special use permit granted under section 12-214(A), the special use permit shall prevail over the provisions of section 12-200 and section 12-214(B), and the provisions of section 12-214 shall prevail over those of section 12-200.

(5) No later than the expiration of the seven-year period established pursuant to this subsection, the owner or operator of a nonconforming use may seek from city council an extension of the date by which it must come into conformity with this section 12-214 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such nonconforming use, made by the petitioner prior to the date of notification, cannot be obtained prior to the expiration of the seven-year period. Following a public hearing, council may extend the seven-year period only if it finds that a strict application of the expiration date will deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming use made by the petitioner prior to the date of notification, in which case council shall extend the expiration date by the minimum time which it determines will provide such opportunity to the petitioner.

(B) Any nonconforming use existing on (May 16, 1998) shall comply with the following rules regarding repairs, improvements and alterations to the building and the use, unless a special use permit has been granted pursuant to section 12-214(A) which provides otherwise:

(1) No alteration to a building which directly prolongs the life of a nonconforming use shall be permitted.

(2) Trade fixtures, such as refrigerator cases, kitchen equipment and other fixtures used in the business, may not be replaced or upgraded, although ordinary repairs and maintenance to trade fixtures is permitted.

(3) Building components, such as HVAC equipment, electrical service, siding, shingles and roofing, may be repaired, replaced or upgraded.

(C) In the absence of any contrary provision in a text or map amendment, the provisions of this section 12-214 shall also apply to any nonconforming use created after (May 16, 1998).

(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.

12-215 *Abatement of day labor agencies.* Any day labor agency in existence on October 7, 2003, in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit has not been granted, shall be deemed a nonconforming use and shall be discontinued on or before a date 12 months from the date on which the use was first notified of its nonconforming status, unless it obtains a special use permit which authorizes its continuation subject to the following:

(A) Promptly upon learning of the existence of a day labor agency categorized as a nonconforming use under this section, the director shall notify the property owner and, if different, the owner or operator of the nonconforming status of the use and that the use must cease operations, or if permitted by the applicable regulations of this ordinance, obtain a special use permit approval prior to the expiration of 12 months from the date of the notice.

(B) No later than the expiration of the applicable 12-month time period, the property owner or owner or operator of any such nonconforming day labor agency may seek from city council an extension of the date by which it must come into conformity with this section 12-215 by filing with the director a petition which sets forth in detail the reasons why a fair and reasonable return on the investment in such day labor agency made by the petitioner prior to October 7, 2003, cannot be obtained prior to the expiration of the 12-month period.

(C) Council shall conduct a public hearing on any such petition, prior to which the director shall provide notice in accordance with the provisions of section 11-300 of this ordinance.

(D) Following the hearing, council may extend the 12-month period only if it finds that a strict application of that time period will

deny the petitioner the opportunity to realize a fair and reasonable return on the investment in the nonconforming day labor agency made by petitioner prior to October 7, 2003, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

12-216 Nonconforming electrical power generating plants.

(A) Notwithstanding any contrary provision of this ordinance, any electrical power generating plant in existence on December 18, 2004, which produces power through the combustion of coal, and is located in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit for the entire use, including power generation, has not been granted, shall be deemed a nonconforming use, and shall be subject to abatement as provided in section 12-214(A) of this ordinance.

(B) Any nonconforming use subject to this section 12-216 shall comply with the following rules regarding repairs, improvements and alterations to the building and the use, unless a special use permit has been granted pursuant to Section 12-214(A), which provides otherwise:

(1) No alteration to a building which directly prolongs the life of the nonconforming use shall be permitted.

(2) Fixtures used in connection with the generation of power, such as turbines, generators, boilers, smokestacks, fuel or ash receiving or handling facilities, control systems and pollution control equipment, may not be installed, replaced or upgraded, although ordinary repairs and maintenance to such fixtures as existed on December 18, 2004, is permitted; provided, however, that the installation, replacement or upgrade of pollution control equipment may be permitted if approval therefor is obtained by special use permit issued pursuant to the section 11-500 of this ordinance.

(3) Ordinary repairs and maintenance to building components, such as HVAC equipment, electrical service, siding, shingles and roofing, are permitted.

(Ord. No. 3621, § 1, 4-17-93; Ord. No. 4001, §§ 1—3, 5-16-98; Ord. No. 4049, §§ 4, 5, 5-15-99; Ord. No. 4078, § 2, 10-16-99; Ord. No. 4328, § 5, 1-24-04; Ord. No. 4337, § 1, 2-21-04; Ord. No. 4366, §§ 1, 2, 12-18-04)

Sec. 12-300 Noncomplying uses.

12-301 Terms defined.

(A) Noncomplying use means the use of any building, structure or land that was lawfully existing immediately prior to June 24, 1992 but which is not in compliance with the zoning regulations or restrictions adopted on June 24, 1992. It is the express intent of this section 12-300 that no use shall be deemed a nonconforming use if its lack of compliance is occasioned solely by the zoning regulations adopted on June 24, 1992.

(B) The term noncomplying use does not include:

(1) A use which existed as a lawful nonconforming use (see section 12-200, above) or as a grandfathered use immediately prior to June 24, 1992; or

(2) A complying use located in a building or structure that does not comply with the provisions of this ordinance relating to height, floor area ratio, density, yard, setback or open space.

12-302 Noncomplying uses. Noncomplying uses shall be permitted to continue indefinitely and shall be considered legal uses but subject to the following restrictions:

(A) *Expansion.* A special use permit is required for the physical expansion, enlargement, or intensification of a noncomplying use.

(B) *Continuation or change in use.* A noncomplying use may be continued or changed as follows:

(1) A noncomplying use may be continued in the form of a different trade, business or activity provided such trade, business or activity is within the scope of the use as listed in this ordinance, including any definition thereof.

(2) A noncomplying use may be changed, with a special use permit, to any use allowed in the zone in which such noncomplying use is first listed in this ordinance.

(3) A noncomplying use may be changed to a use allowed in the zone in which such noncomplying use is located, provided that if such other use is listed in such zone as a special use, a special use permit is required. The use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(C) *Reconstruction.* If the building in which a noncomplying use is located is destroyed, demolished or otherwise removed, the use may be continued in a building reconstructed pursuant to section 12-102(B) or in compliance with the present zone regulations.

(D) *Abandonment.* In case a noncomplying use shall be abandoned for 12 months, then such noncomplying use shall terminate and the use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(E) *Home occupations.* A noncomplying home occupation, including one whose noncomplying status arises by virtue of its customers or signage, may continue its operations only so long as maintained by the owner of the business on June 24, 1992.

(F) *Special uses.*

(1) A use which was a legally existing permitted use prior to June 24, 1992 but is allowed only as a special use after June 24, 1992 is considered a noncomplying use subject to section 12-302(A) through (E).

(2) A use which was a legally existing special use prior to June 24, 1992 but which is not allowed as either a permitted or special use after June 24, 1992 shall be considered a noncomplying use and subject to section 12-302(A) through (E) and the terms and limitations of the special use permit governing such use. In the case of a conflict between the terms of section 12-302(A) through (E) and the special use permit, the special use permit shall control.

(3) The holder of a special use permit may apply for an extension of that permit even though the use allowed by the permit is no longer permitted in the zone in which the use is located and the permit was originally granted with a specially set expiration date. An application under this paragraph must be filed prior to the expiration of the permit for which an extension is sought.

(G) Any public building existing on January 24, 1998, and categorized immediately prior to such date as a nonconforming use, whether

the use operates pursuant to a special use permit or not, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a legal use and, irrespective of the applicable zoning regulations, may continue indefinitely and may be expanded or replaced; provided, that any such expansion or replacement is approved by special use permit.

(H) Any use existing in the W-1 or WPR zone on January 24, 1998, and categorized immediately prior to such date as a nonconforming use, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a noncomplying use, and may continue indefinitely subject to the requirements of this section 12-300; provided, that such use shall not be changed except to a use that is permitted, or that is allowed with an approved special use permit, in the zone in which it is located.

(I) Any fraternal or private club existing on August 5, 1940, at the time of the adoption of the Alexandria City Code of 1940, that has existed continuously since that date, and that has been categorized immediately prior to January 24, 1998, as a nonconforming use, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a noncomplying use, and may continue indefinitely subject to the requirements of this section 12-300; provided, that only those specific fraternal or private clubs in existence on January 24, 1998, shall be deemed noncomplying, and that any change in use, management, ownership or operation of such use shall require approval by special use permit.

(J) Any general auto repair use permitted as an accessory use to a franchised automobile dealership pursuant to section 2-118, which is subsequently not permitted because the franchised dealership ceases to operate, or the repair use ceases to be accessory to such dealership, may, with the approval of a special use permit, be allowed to continue as a noncomplying use.

12-303 *Signs, parking and use characteristics.* If the characteristics of a noncomplying use, such as signs, off-street parking and loading, lighting or other features pertaining to the use of land, structures and premises are inconsistent with the zoning regulations adopted on June 24, 1992, no change in such feature (to include in the case of off-street parking or loading a change in the use served) shall be made which increases the inconsistency or lack of compliance with the new zone or other applicable regulation but change may be made which decreases such inconsistency.

(Ord. No. 3697, § 7, 1-22-94; Ord. No. 3973, § 1, 1-24-98; Ord. No. 4022, § 1, 10-17-98)

Sec. 12-400 Substandard residential lots.

The following regulations apply to substandard residential lots where the lack of conformity existed prior to June 24, 1992.

12-401 Any lot in the R-20, R-12, R-8, R-5, R-2-5 or RA residence zones, which lot was of record on December 28, 1951, and continuously thereafter, but which

lot has less area or less width at the front lot line or front building line than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), may be developed only with a single-family dwelling and its accessory buildings, subject to the following provisions:

(A) No person has at any time from and after May 14, 1974, contemporaneously held any present or future freehold estate, except as trustee only, or an equitable interest of like quantum, in the substandard lot and in any contiguous land; and

(B) A special use permit is granted under the provisions of section 11-500; and

(C) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an adequate supply of light and air to adjacent property, will not diminish or impair the established property values in the surrounding areas, and will be compatible with the existing neighborhood character.

12-402 Notwithstanding the provisions of section 12-401, a substandard lot which complied with the provisions of this ordinance or other prior law in effect on the date such lot was recorded, and which has continuously been of record since such date, may be developed only with a single-family dwelling and its accessory buildings, subject to the following provisions:

(A) No person has, at any time from and after September 16, 1988, held any present or future freehold estate, except as trustee only, or any equitable interest of like quantum, or held any interest as contract purchaser, in the substandard lot and in any contiguous undeveloped or unimproved lot of record; and

(1) The substandard lot contains at least the lot area, and has at least the lot width at both the front lot line and front building line, as exhibited by more than 50 percent of the developed lots on the block face in which the substandard lot is located; or

(2) The substandard lot contains at least 90 percent of the minimum lot area, and 90 percent of the required lot width at both the front lot line and front building line, as required by the zone in which the substandard lot is located; and

(B) A special use permit is granted under the provisions of section 11-500; and

(C) City council, upon consideration of the special use permit, finds that the proposed development will not unreasonably impair an

adequate supply of light and air to adjacent property, will not diminish or impair the established property value in the surrounding areas, and will be compatible with the existing neighborhood character.

(D) Where the location of a substandard lot is such that the minimum number of lots or the minimum length of street frontage herein specified for a block face as defined in this ordinance is not present, the director may designate an appropriate block face for such substandard lot, if any there be, without regard to intersecting streets, subject to city council approval as part of the special use permit granted pursuant to this section 12-402. Where the street frontage, on either side of a street, within a block face contains more than 30 lots or is greater than 1,200 feet in length, as measured along the front lot lines, the director shall designate an appropriate block face comprised of the closest and most appropriate 30 lots or 1,200 feet lot frontage, whichever is less, on each side of the street, subject to city council approval as part of the special use permit granted pursuant to this section 12-402.

12-403 Nothing in this section 12-400 shall be deemed to authorize city council to approve a special use permit under the provisions of this section for a development which would exceed the maximum floor area ratio, density or height regulations of the zone or zones in which such development is located, or the maximum floor area ratio, density or height regulations otherwise provided in this ordinance.

12-404 In approving a special use permit under this section for a substandard lot meeting the requirements of section 12-401 or 12-402, city council may modify the minimum yard, coverage or other minimum requirements imposed by this ordinance, for the zone or zones in which the lot is located, or otherwise applicable to the lot or the development thereof, if the council determines that such a modification is necessary or desirable to develop the lot in conformity with the approved special use permit, and that such modification will not be detrimental to the public health, safety and general welfare.

12-405 From and after September 16, 1989, the remedy and procedure provided in this section 12-400 shall be exclusive remedy and procedure for the use and development of substandard lots in the zones herein designated, and any use or development of such lots in a manner not herein provided for and authorized shall be conclusively presumed to be contrary to the public interest and contrary to the intended spirit and purpose of this ordinance.

Sec. 12-500 Uses or structures grandfathered under prior law.

Any use, building or structure which was grandfathered under the provisions of prior law shall not be subject to the provisions of this Article XII, but shall continue to be subject to such grandfathering provisions.

Sec. 12-600 Community unit plan, planned unit development, cluster special use permit, transitional special use permit and CO planned residential/commercial development.

(A) *Rules generally not applicable.* The rules in this Article XII for nonconforming uses and noncomplying uses and structures shall not apply to Community Unit Plan, Planned Unit Development, Cluster Special Use Permit and CO Planned Residential/Commercial Development for which a development plan has been approved by special use permit or ordinance and has not expired prior to June 24, 1992. Such developments shall be governed by the approval documents therefor and the provisions of this section 12-600, and shall not be considered nonconforming or noncomplying development. In the case of a conflict between the specific approval documents and the provisions of sections 12-600(B)(2) and 12-600(B)(3), the provisions of such sections shall control.

(B) *CO Planned Residential/Commercial Development.* Notwithstanding any contrary provision of this ordinance, a CO planned residential/commercial development described in section 12-600(A) may proceed pursuant to the following rules.

(1) *SUP process for amendment.* An approved CO planned residential/commercial development is a special use permit use. Any amendment to such an approved development may be approved pursuant to the procedures for amending special use permits in section 11-500 of this ordinance.

(2) *Recording requirement removed.* An approved CO planned residential/commercial development, the approval of which was required to be and was recorded as a contract between the City and the special use permit permittee (SUP permittee) in the official land records on or before December 12, 1997, is hereby relieved of the requirement that amendments to that contract approved on or after December 13, 1997, be recorded; provided, that a notice approved by the city attorney is recorded in the land records stating that:

(a) the development is bound and governed by the special use permit by which it was originally approved and any subsequently approved amendments;

(b) all amendments approved on or before December 12, 1997, have been recorded and may be reviewed in the public land records; and

(c) all amendments approved on or after December 13, 1997, are maintained and may be reviewed at the Department of Planning and Zoning.

(3) *No contract required.* No contract amendment between the SUP permittee, applicant, landowners and the city is required for any amendment to an approved CO planned residential/commercial development which amendment was approved on or after December 13, 1997.

(4) *Prior amendments.* Any amendment to an approved CO planned residential/commercial development which amendment was approved and recorded on or before December 12, 1997, is valid.

(5) Permitted amendments.

(a) A change to a CO planned residential/ commercial development or a portion thereof which, as of January 24, 1998, has been fully constructed, and for which an as-built site plan has been required, is permitted by an amendment to the special use permit authorizing the development; provided, that the change is consistent with the regulations applicable to the zone in which the development is situated.

(b) A change to a CO planned residential/ commercial development or a portion thereof which, as of January 24, 1998, has not been fully constructed, and for which an as-built site plan has not been required, is permitted by an amendment to the special use permit authorizing the development that is in effect on January 24, 1998; provided, that the change:

(i) does not cause the maximum floor area of the development to exceed the floor area authorized in the permit in effect on January 24, 1998;

(ii) does not cause the development to contain any uses that are (a) not approved by the permit in effect on January 24, 1998, or (b) not permitted uses or special uses under the regulations applicable to the zone in which the development is situated; and

(iii) otherwise does not cause the development to be noncompliant or inconsistent with the regulations applicable to the zone in which the development is situated, which regulations, in the case of a develop-

ment located in a coordinated development district, shall be the CDD special use permit provisions in section 5-602(A) of this ordinance, except that the requirement for compliance with such zone regulations may be modified pursuant to clauses (i) and (ii) above.

(6) *Amendment applicant.* The applicant for an amendment to an approved CO planned residential/commercial development shall be the owner or owners of each lot or parcel which is the subject of the proposed amendment, with the written consent of either of the following:

(a) the SUP permittee, or a successor to the permittee, if such permittee or successor to the permittee is in control of the association or corporation of all owners of land within the development, formed pursuant to the Virginia Property Owners' Association Act, § 55-508, et seq., Code of Virginia; or

(b) the association or corporation of all owners of land within the development, formed pursuant to the Virginia Property Owners' Association Act, § 55-508, et seq., Code of Virginia, if such association or corporation is not under the control of the SUP permittee or a successor to the permittee.

12-601 Certain retail shopping establishment uses deemed grandfathered or conforming.

(A) *Rules generally not applicable.* The rules in this Article XII for nonconforming and noncomplying uses shall not apply to retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which no special use permit for the use has been approved prior to such date, or (2) for which a preliminary site plan, but no special use permit for the use, has been approved prior to October 19, 2002, and has not expired. Such uses shall be categorized as grandfathered uses, and shall be governed by the provisions of this Section 12-601. In case of conflict between the provisions of this section and any other provision of this ordinance, the provisions of this section shall control.

(B) *Expansion.* Physical expansion or enlargement of the use in the amount of 20,000 gross square feet or less is permitted without special use permit approval.

(C) *Intensification.* Intensification of the use not involving physical expansion or enlargement is permitted without special use permit approval.

(D) *Continuation or change in use.* The use may be continued by successive owners, and may be changed to a different retail use, without approval of a special use permit. The use may be changed to any other use permitted in the zone in which it is located; provided, however, that if a special use permit is required for such other use by the regulations of such zone, then a special use permit shall be required for such change in use.

(E) *Repair and reconstruction.*

(1) The building in which the use is located may be repaired, remodeled, upgraded and maintained, except as provided in paragraph (3).

(2) If the building in which the use is located is damaged or destroyed as the result of a casualty loss, the use may be continued in a building reconstructed to the gross square footage which existed at the time of such loss, plus an additional amount not to exceed 20,000 gross square feet, without special use permit approval.

(3) If the building in which the use is located is demolished or removed to the top of the foundation or below, other than as the result of a casualty loss, the property shall thereafter conform to the regulations of the zone in which it is located, and other applicable regulations of this ordinance.

(F) *Signs, parking and use characteristics.* Notwithstanding any other provision of this section, if the characteristics of the use, such as signs, off-street parking and loading, lighting or other features pertaining to the use of land, structures and premises are inconsistent with the regulations of the zone in which the use is located or other applicable regulations of this ordinance, no change to the use or such feature (to include in the case of off-street parking or loading a change or increase in the use served) shall be made which increases the inconsistency or lack of compliance with the zone or other applicable regulations, but a change may be made which decreases such inconsistency, or which complies with the zone and other applicable regulations.

(G) *Other changes.* Any change to the use other than as expressly permitted in subsections (B) through (F) of this section, and which is otherwise permitted by this ordinance, shall require special use permit approval for the entire use.

(H) *Abandonment.* In the event that, after October 19, 2002, the use ceases actual retail operation for a period of five consecutive years or more, the grandfathered status of the use shall terminate, and the use of the property shall thereafter conform to the use regulations of the zone in which it is located.

(I) *FAR, height, etc. not affected.* Nothing in this section shall be deemed to permit any increase in floor area ratio, height or other regulation expressed as a maximum, nor to permit any reduction in required parking, setbacks, open space or other regulation expressed as a minimum, otherwise applicable to the use under this ordinance.

(J) *Site plan required.* Nothing in this section shall be deemed to excuse the requirement for a site plan pursuant to Section 11-400 of this ordinance.

(K) *Conforming uses.* Retail shopping establishments larger than 20,000 gross square feet, which (1) are lawfully in existence on October 19, 2002, and for which a special use permit for the use has been approved prior to such date, or (2) for which a special use permit for the use has been approved prior to October 19, 2002, and has not expired shall be categorized as conforming uses; shall not be subject to the provisions of this section, and shall be subject to the terms and conditions of the special use permit.
(Ord. No. 3974, § 1, 1-24-98; Ord. No. 4129, § 1, 4-15-00; Ord. No. 4280, § 6, 11-16-02)

Sec. 12-700 Application of article to lands received in exchange with Arlington County; residential buildings in areas designated for residential use in the master plan map.

(A) In the case of land that became a part of the city through an exchange with Arlington County, effective 12:00 midnight December 31, 1965, which land had been developed prior to such date and which is zoned RA residential by the city, but does not meet all of the regulations and requirements of the RA zone; such land shall be allowed to be maintained, altered, repaired or reconstructed in use without the restrictions that normally accompany a nonconforming status, so long as the nonconforming elements of such land are not changed in such a way as to make them more nonconforming than on the date they were zoned RA.

(B) Notwithstanding any other provisions of this Article XII in conflict herewith, a residential building which is located in a zone where residential uses are not permitted may be repaired, structurally

altered, extended and enlarged subject to the provisions of Article III if such nonconforming residential building is situated in an area designated for residential use in the master plan.

Sec. 12-800 Registration of nonconforming uses and noncomplying uses and structures.

12-801 *Burden of owner.* The burden of establishing that any use or structure is lawfully existing based on its nonconforming or noncomplying status under this Article XII shall, in all cases, be upon the owner of such use or structure and not upon the city.

12-802 *Registration.* To assist a landowner in meeting the burden provided under section 12-801, each use or structure lawfully existing based on its nonconforming or noncomplying status under this Article XII may, within three years of June 24, 1992, register with the department of planning and zoning by supplying such information as the director may require to determine the status of use or structure.
(Ord. No. 3774, § 2, 1-21-95)

Sec. 12-900 Developed substandard residential lots.

12-901 *[Requirements.]* A residential dwelling on a lot 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) which lot has less lot area, lot width, or lot frontage than the minimum required for use in the zone where it is situated (referred to hereafter in this section as a substandard lot), is subject to the following requirements.

(A) *Addition.* An expansion of a residential dwelling on a substandard lot is permitted subject to the following standards.

(1) Construction complies with the requirements of section 12-102(A);

(2) At least 50 percent of the existing first floor exterior walls in their entirety (measured in linear feet) must remain as adjoining exterior walls. The determination of first floor exterior walls is that the walls must have its finished floor surface entirely above grade.

(B) *Replacement.* Demolition and replacement of a same-size residential dwelling on a substandard lot is permitted subject to the following standards, regardless of the provisions of section 12-102(B):

(1) Construction shall not exceed the pre-existing gross floor area by more than ten percent, with gross floor area defined as the floor area of section 2-145(A) without any exclusions; and

(2) Construction shall not exceed the height of the pre-existing dwelling.

(C) *Redevelopment.* A residential dwelling not meeting the standards of section 12-901(A) or (B) above is subject to the following provisions:

(1) A special use permit is granted under the provisions of section 11-500; and

(2) City council, upon consideration of the special use permit, finds that the proposed development will be compatible with the existing neighborhood character in terms of bulk, height and design.

(Ord. No. 4556, § 1, 6-24-08)

ARTICLE XIII. ENVIRONMENTAL MANAGEMENT*

Sec. 13-100. General findings.

The Chesapeake Bay is one of the most productive estuaries in the world, providing substantial economic and social benefits to the people of the Commonwealth of Virginia. Healthy state and local economies are integrally related to and dependent upon the health of the Chesapeake Bay. The general welfare of the people of the Commonwealth depends upon the health of the Bay.

The waters of the Chesapeake Bay and its tributaries, including the Potomac River and Alexandria's local streams, have been degraded significantly by point source and nonpoint source pollution, which threatens public health and safety and the general welfare.

13-101 Purpose.

(A) It is the policy of the City of Alexandria, Virginia to protect the quality of water in the Chesapeake Bay and its tributaries and, to that end, to require all land uses and land development in the city to:

(1) Safeguard the waters of the commonwealth from pollution;

(2) Prevent any increase in pollution of state waters;

(3) Reduce existing pollution of state waters; and

(4) Promote water resource conservation.

(B) To fulfill this policy, this Article XIII is adopted to minimize potential pollution from stormwater runoff, minimize potential erosion and sedimentation, reduce the introduction of harmful nutrients and toxins into state waters, maximize rainwater infiltration while protecting groundwater, and ensure the long-term performance of the measures employed to accomplish the statutory purpose.

(C) The provisions of this chapter shall be deemed severable, and the invalidity or unenforceability of any individual provision or section hereof shall not affect the validity and enforceability of the remaining provisions of the chapter.

13-102 Authority. This Article XIII is issued under the authority of Section 62.1-44.15:73 of the Code of Virginia (the Chesapeake Bay Preservation Act), 62.1-44.15:24 et seq. of the Code of Virginia (the Virginia Stormwater

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***Editor's note—**Ord. No. 4865, § 1, adopted March 15, 2014, repealed Art. XIII and enacted a new article as set out herein. The former Art. XIII, §§ 13-100—13-120, pertained to similar subject matter and derived from Ord. No. 4443, § 1, adopted April 22, 2006.

Management Act) and attendant regulations as adopted by the Virginia State Water Control Board. Code of Virginia Section 62.1-44.15:27 specifically requires the City to adopt a Virginia Stormwater Management Program. Authority to protect water quality is also provided by Section 15.2-2283 of the Code of Virginia.

13-103 *Definitions.* The following words and terms used in this Article XIII have the following meanings, unless the context clearly indicates otherwise.

(A) *Administrator.* The person responsible for the administration of this Article XIII, which in the city shall be the director of T&ES or his/her designee.

(B) *Alexandria water quality volume default.* The volume equal to the first 0.5 inch of runoff multiplied by the total impervious area of the site as defined herein.

(C) *Applicant.* A person who has submitted, or plans to submit, a plan of development or an exception request to the city or a person seeking approval from the city for any activity that is regulated under this article.

(D) *Best management practice (BMP).* Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices, including both structural and nonstructural practices, to prevent or reduce the pollution of surface water and groundwater systems from the impacts of land-disturbing activities.

(E) *Buffer area.* An area of natural or established vegetation managed to protect other components of a resource protection area and state waters from significant degradation due to land disturbances. To effectively perform this function, the buffer area will achieve a 75 percent reduction of sediments and a 40 percent reduction of nutrients. A 100-foot wide buffer area shall be considered to meet this standard.

(F) *Chesapeake Bay Preservation Act land-disturbing activity.* A land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal or greater than 2,500 square feet and less than one acre in all areas of the city designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation Act, Code of Virginia, § 62.1-44.15:67 et seq.

(G) *Clean Water Act* or *CWA* means the federal Clean Water Act (33 U.S.C § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act

Amendments of 1972, Public Law 92-500, as amended by Public Law 95-217, Public Law 95-576, Public Law 96-483, and Public Law 97-117, or any subsequent revisions thereto.

(H) *Common plan of development or sale*. A contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.

(I) *Control measure*. Any best management practice or stormwater management facility, or other method used to minimize the discharge of pollutants to state waters.

(J) *Department (DEQ)*. The Virginia Department of Environmental Quality.

(K) *Development.* Land disturbance and the resulting landform associated with the construction or substantial alteration of residential, commercial, industrial, institutional, recreational, transportation, or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.

(L) *Director of T&ES/Director of P&Z.* Director of T&ES means the director of transportation and environmental services of the City of Alexandria. Director of P&Z means the director of planning and zoning of the City of Alexandria.

(M) *Floodway.* All lands as defined in subsection 6-303(K) of this ordinance.

(N) *General permit*. The state permit titled General Virginia Pollutant Discharge Elimination System (VPDES) Permit for Discharges of Stormwater from Construction Activities found in 9VAC25-880 et seq.) of the Virginia Stormwater Management Regulations authorizing a category of discharges under the federal Clean Water Act and the Virginia Stormwater Management Act within a geographical area of the Commonwealth of Virginia.

(O) *Highly erodible soils.* Soils (excluding vegetation) with an erodibility index (EI) from sheet and rill erosion equal to or greater than eight. The erodibility index for any soil is defined as the product of the formula RKLS/T, where K is the soil susceptibility to water erosion in the surface layer; R is the rainfall and runoff; LS is the combined effects of slope length and steepness; and T is the soil loss tolerance.

(P) *Highly permeable soils.* Soils with a given potential to transmit water through the soil profile. Highly permeable soils are identified as any soil having a permeability equal to or greater than six inches of water movement per hour in any part of the soil profile

to a depth of 72 inches (permeability groups "rapid" and "very rapid"), as found in the "National Soil Survey Handbook" of November 1996 in the "Field Office Technical Guide" of the U.S. Dept. of Agriculture Natural Resources Conversation Service.

(Q) *Impervious cover.* A surface composed of any material that significantly impedes or prevents natural infiltration of water into the soil. Impervious surfaces include, but are not limited to: roofs, buildings, streets, parking areas, and any concrete, asphalt, or compacted gravel surface.

(R) *Intermittent stream.* Any natural or engineered channel (measured from top of bank) with flowing water during certain times of the year, when groundwater provides for stream flow. During dry periods, intermittent streams may not have flowing water. Runoff from rainfall is a supplemental source of water for stream flow. Acceptable methodologies for establishing the presence of an intermittent stream will be provided by the director of T&ES pursuant to subsection 13-104(C).

(S) *Isolated wetlands of minimal ecological value.* Those wetlands, as defined in 9VAC25-210-10, that:

(i) Do not have a surface water connection to other state waters;

(ii) Are less than one-tenth of an acre in size;

(iii) Are not located in a Federal Emergency Management Agency designated 100-year floodplain;

(iv) Are not identified by the Virginia Natural Heritage Program as a rare or state significant natural community;

(v) Are not forested; and

(vi) Do not contain listed federal or state threatened or endangered species.

(T) *Land disturbance or land-disturbing activity.* A manmade change to the land surface that potentially changes its runoff characteristics, including clearing, grading, filling, or excavation.

(U) *Layout.* A conceptual drawing sufficient to provide for the specified stormwater management facilities required at the time of approval.

(V) *Minor modification*. An amendment to an existing general permit before its expiration not requiring extensive review and evaluation including, but not limited to, changes in EPA promulgated test protocols, increasing monitoring frequency requirements,

changes in sampling locations, and changes to compliance dates within the overall compliance schedules. A minor general permit modification or amendment does not substantially alter general permit conditions, substantially increase or decrease the amount of surface water impacts, increase the size of the operation, or reduce the capacity of the facility to protect human health or the environment.

(W) *Natural channel.* A nontidal waterway that is part of the natural topography and is generally characterized as being irregular in cross section with a meandering course.

(X) *Nonpoint source pollution.* Contamination from diffuse sources that is not regulated as point source pollution under Section 402 of the Clean Water Act.

(Y) *Nontidal wetlands.* Those wetlands, other than tidal wetlands, that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions, as defined by the U.S. Environmental Protection Agency pursuant to Section 404 of the Federal Clean Water Act, in 33 CFR 328.3b.

(Z) *Operator*. The owner or operator of any facility or activity subject to regulation under this Article XIII.

(AA) *Permittee*. The person to whom a state permit is issued, including any owner or operator whose construction site is covered under a state construction general permit.

(BB) *Person*. Any individual, corporation, partnership, association, municipality, commission, or political subdivision, of a state, governmental body, including federal, state, or local entity as applicable, any interstate body or any other legal entity.

(CC) *Pre-development.* The land use that exists at the time that plans for the development are submitted to the city. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the land use at the time the first item is submitted shall establish pre-development conditions.

(DD) *Post-development.* Conditions that reasonably may be expected or anticipated to exist after completion of the development activity on a specific site or tract of land.

(EE) *Public road.* For the purpose of this Article XIII, public road means a publicly owned road designed and constructed in accordance with water quality protection criteria at least as stringent

as requirements applicable to the Virginia Department of Transportation, including regulations promulgated pursuant to (i) the Erosion and Sediment Control Law (Section 64.1-44.15:51 et seq. of the Code of Virginia) and (ii) the Virginia Stormwater Management Act (Section 64.1-44.15:24 et seq. of the Code of Virginia). This definition includes those roads where the Virginia Department of Transportation exercises direct supervision over the design or construction activities, or both, and cases where roads are constructed or maintained, or both, by the City of Alexandria.

(FF) *Redevelopment.* The process of developing land that is or has been previously developed.

(GG) *Regulations.* The Virginia Stormwater Management Program (VSMP) Permit Regulations, 9VAC-25-870, as amended.

(HH) *Restored stormwater conveyance system.* A stormwater conveyance system that has been designed and constructed using natural channel design concepts. Restored stormwater conveyance systems include the main channel and the flood-prone area adjacent to the main channel.

(II) *Resource management area (RMA).* A Chesapeake Bay Preservation Area overlay designation as further defined in section 13-105(C).

(JJ) *Resource protection area (RPA).* A Chesapeake Bay Preservation Area overlay designation as further defined in section 13-105(B).

(KK) *Shoreline.* Land contiguous to a body of water.

(LL) *Site*. The land or water area where any facility or land-disturbing activity is physically located or conducted, including adjacent land used or preserved in connection with the facility or land-disturbing activity. Areas channelward of mean low water in tidal Virginia shall not be considered part of a site. The following shall be used for determining water quality and water quantity requirements in sections 13-109(E) and (F): For projects disturbing less than 50 percent of the tax parcel, (or if multiple parcels are involved, the land subject to the application), the disturbed area shall constitute the site; for projects disturbing greater than or equal to 50 percent of the tax parcel (or if multiple parcels are involved, the land subject to the application), the entire tax parcel shall constitute the site.

(MM) *State*. The Commonwealth of Virginia.

(NN) *State permit*. An approval to conduct a land-disturbing activity issued by the Virginia State Water Control Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Virginia State Water Control Board for stormwater discharges from an MS4. Under these state permits, the state imposes and enforces requirements pursuant to the federal Clean Water Act, the Virginia Stormwater Management Act, and their attendant regulations.

(OO) *State Water Control Law*. Chapter 3.1 (62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

(PP) *State waters.* All waters on the surface or in the ground, wholly or partially within or bordering the commonwealth or within its jurisdiction, including wetlands.

(QQ) *Stormwater*. Precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

(RR) *Stormwater management facility.* A device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release or the velocity of flow.

(SS) *Stormwater management plan*. A document or documents containing material describing methods for complying with the requirements of section 13-114 of this article.

(TT) *Stormwater pollution prevention plan (SWPPP)*. A document that is prepared in accordance with section 13-113 of this article and good engineering practices and that identifies potential sources of pollutants that may reasonably be expected to affect the quality of stormwater discharges from the construction site, and otherwise meet the requirements of this article. In addition the document shall identify and require the implementation of control measures, and shall include, but not be limited to the inclusion of, or the incorporation by reference of, an approved erosion and sediment control plan, and a pollution prevention plan.

(UU) *Subdivision.* Means the same as defined in section 2-197.2 of the Alexandria Zoning Ordinance.

(VV) *Substantial alteration.* Expansion or modification of a building or development that would result in land disturbance exceeding an area of 2,500 square feet in the resource management area only.

(WW) *Tidal shore.* Land contiguous to a tidal body of water between the mean low water level and the mean high water level.

(XX) *Tidal wetlands.* Vegetated and nonvegetated wetlands as defined in Section 28.2-1300 of the Code of Virginia.

(YY) *Top of Bank.* To the extent applicable, top of bank shall be determined on prevailing professional standards and the best professional judgment of the director.

(ZZ) *Total maximum daily load (TMDL)*. The sum of the individual wasteload allocations for point sources, load allocations for nonpoint sources, natural background loading, and a margin of safety. TMDLs can be expressed in terms of either mass per time, toxicity, or other appropriate measure. The TMDL process provides for point versus nonpoint source trade-offs.

(AAA) *Use.* Any activity on the land other than development, including, but not limited to agriculture, horticulture, and silviculture.

(BBB) *Virginia Stormwater Management Act*. Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 of the Code of Virginia.

(CCC) *Virginia Stormwater BMP Clearinghouse website*. A website that contains detailed design standards and specifications for control measures that may be used in Virginia to comply with the requirements of the Virginia Stormwater Management Act and regulations.

(DDD) *Virginia Stormwater Management Program (VSMP)*. A program approved by the Virginia State Water Control Board that has been established by a locality to manage the quality and quantity of runoff resulting from land-disturbing activities and shall include such items as local ordinances, rules, permits, requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection and enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations.

(EEE) *VSMP authority*. An authority approved by the Virginia State Water Control Board to operate a VSMP. For the purposes of this article, the city is the VSMP authority.

(FFF) *VSMP authority permit.* An approval to conduct a land-disturbing activity issued by the city for the initiation of a land-disturbing activity after evidence of general permit coverage has been provided where applicable. In the City of Alexandria a

VSMP authority permit is not a separate permit. Rather, the issuance of a building, land use, or other land development permit is contingent on a proposed land-disturbing activity meeting all VSMP authority permit requirements in 9VAC-25-870 and the requirements of this article.

(GGG) *Water body with perennial flow.* A body of water that flows in a natural or engineered channel year-round during a year of normal precipitation. This includes, but is not limited to streams, estuaries, and tidal embayments and may include drainage ditches or channels constructed in wetlands or from former natural drainage ways that convey perennial flow. Lakes and ponds, through which a perennial stream flows, are a part of the perennial stream. Generally, the water table is located above the streambed for most of the year and groundwater is the primary source for stream flow. The width of the perennial stream extends from top-of-bank to top-of-bank of the channel or to the limits of the normal water level for a pond or lake when there is no definable top-of-bank. Acceptable methodologies for establishing the presence of a water body with perennial flow will be provided by the director of T&ES pursuant to subsection 13-104(C).

(HHH) *Water-dependent facility.* A development of land that cannot exist outside of the resource protection area and must be located on the shoreline by reason of the intrinsic nature of its operation. These facilities include, but are not limited to:

(i) Ports;

(ii) The intake and outfall structures of power plants, water treatment plants, sewage treatment plants, and storm sewers;

(iii) Marinas and other boat docking facilities;

(iv) Beaches and other public water-oriented recreation areas; and

(v) Fisheries or other marine resources facilities.

(III) *Watershed.* The total drainage area contributing runoff to a single point.

(JJJ) *Wetlands.* Tidal and nontidal wetlands.

13-104 Administration.

(A) *Responsibility for administration.* The director of T&ES, or his/her designee, is charged with responsibility for the administration of this Article XIII.

(B) *Duties and authority.* In the administration of this Article XIII the duties and authority of the director of T&ES shall include, without limitation:

(1) Receiving applications for plan of development approval;

(2) Reviewing applications to determine if they contain all information required and necessary for a determination of their merit;

(3) Reviewing applications to determine their compliance with the provisions and intent of this Article XIII and their merit;

(4) Docketing items for hearing before the planning commission and conferring with the city manager to schedule public hearings before the city council as necessary on applications;

(5) Preparing a staff report for each application;

(6) Interpreting the provisions of this Article XIII to ensure that its intent is carried out.

(C) *Rules, regulations, and procedures.* The director of T&ES shall promulgate rules, regulations, and procedures for the administration and enforcement of this Article XIII and shall promulgate rules, regulations, and procedures for the processing of applications that ensure full review, comment, and recommendations on each application by the department of transportation and environmental services. The city manager shall promulgate rules and procedures for review by other departments of applications, where such review is determined to be necessary or desirable and such procedures may include the establishment of a development review committee composed of departments of the city whose expertise is necessary or desirable in the review of applications. All such rules, regulations, and procedures shall be transmitted to the city council at the time of issuance.

(D) *Establishment of fees.* The director of T&ES shall by general rule approved by city council establish a schedule of fees required for each application under this Article XIII to be paid at the time an application is submitted The schedule of fees shall include those authorized by 9VAC25-870-700 et seq. The schedule of fees is set per approved council docket.

(E) *Responsibility for enforcement.* The director of T&ES shall have the authority and the responsibility of section 11-200 and section 13-126 to ensure that all buildings and structures and the use of all land complies with the provisions of this Article XIII.

(F) The director of T&ES shall review, approve, disapprove, or approve with modifications or conditions or both the following elements of the plan of development:

(1) The environmental site assessment, required pursuant to section 13-112.

(2) The stormwater management plan, required pursuant to section 13-114 and approved in accordance with section 13-115.

(3) The erosion and sediment control plan required pursuant to section 5-4-1.

(4) The water quality impact assessment, if required, pursuant to section 13-117.

(5) Compliance of the plan of development with section 13-106 through section 13-110.

(G) The director of T&ES shall have the authority and the responsibility to enforce the requirement that a permittee must develop, implement, and keep at the site for inspection a stormwater pollution prevention plan that meets the requirements set forth in section 13-113 and a pollution prevention plan that meets the requirements set forth in section 13-116.

(H) Review and decision on applications for exceptions shall be as provided in section 13-119.

(I) Review and decision on applications for modifications to noncomplying land uses and structures shall be as provided in section 13-122.

(J) Review and decision on applications for exemptions shall be as provided in section 13-123.

(K) Review and decision on the remaining elements of the plan of development shall be as provided in the regulations of this ordinance and the City Code applicable to each such element.

13-105 Designation of Chesapeake Bay Preservation Area Overlay District.

(A) All land within the corporate limits of the city is designated as a Chesapeake Bay Preservation Area (CBPA). The CBPA is divided into resource protection areas and resource management areas. The regulations set forth in this Article XIII shall apply as an overlay district, and shall supersede any zoning, land use, or land development regulation of the City Code that is inconsistent with the provisions of this Article XIII.

(B) Resource protection areas (RPAs) consist of sensitive land that has either an intrinsic water quality value due to the ecological and biological processes such land performs or that is sensitive to uses or activities such that the use results in significant degradation to the quality of state waters. In their natural condition, these lands provide for the removal, reduction, or assimilation of nonpoint source pollution entering the bay and its tributaries. An area of land that includes any one of the following land types shall be considered to be within the RPA:

(1) Tidal wetlands;

(2) Tidal shores;

(3) Nontidal wetlands connected by surface flow and contiguous to tidal wetlands or water bodies with perennial flow;

(4) A buffer area of 100 feet (measured from top of bank) located adjacent to and landward of the components listed in subsections (1) through (3) above and along both sides of any water body with perennial flow. The full buffer area shall be designated as the landward component of the RPA notwithstanding the presence of permitted uses, encroachments, and vegetation clearing in compliance with this Article XIII.

(C) Resource management areas (RMAs) include land that, if improperly used or developed, has a potential for causing significant water quality degradation or for diminishing the functional value of the RPA. Therefore, all lands in the city, not included in the RPA, shall constitute the RMA since all such land drains through natural or manmade conveyances to the Potomac River and Chesapeake Bay.

13-106 Establishment of CBPA boundaries.

(A) Chesapeake Bay Preservation Area boundaries are established by text, as provided in section 13-105. The city shall publish and update in a manner established by the director of T&ES pursuant to section 13-104(C) a general map depicting the location of identified CBPA features. However, in all cases it is the burden of the applicant to identify CBPA features and to delineate the appropriate RPA boundaries in accordance with the development review process required pursuant to section 13-111, or if no development review process is required, then through the environmental site assessment pursuant to section 13-112.

(B) Any property owner wishing to change the depiction of an RPA feature on the general map may conduct an environmental site

assessment in section 13-112 and submit it to the director of T&ES. The director of T&ES may accept, modify, or reject the RPA delineation based on the evidence presented by the property owner and in consideration of all other available information.

(C) In the event that a site-specific RPA boundary delineation is contested by an applicant or property owner, the applicant or property owner may request a meeting with the director of T&ES to review the decision. Requests for the meeting shall be made no more than 30 calendar days after notification of a modification or rejection of a proposed RPA delineation. The director of T&ES will preside over the meeting of the involved parties and reconsider the decision. The meeting participants will be notified by the director of T&ES within 30 calendar days after the meeting of the result of the reconsideration.

13-107 *Development, redevelopment, and uses permitted in RPAs.* The following criteria shall apply in RPAs unless the development, redevelopment, use, or land-disturbing activity is exempted under section 13-123 or granted an exception pursuant to section 13-119. All development, redevelopment, and uses within the RPA must comply with the performance criteria provided in section 13-109.

(A) The following are permitted within the RPA provided they do not require development, redevelopment, structures, grading, fill, draining, or dredging:

(1) Conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife;

(2) Passive recreational activities, including but not limited to fishing, bird watching, hiking, boating, horseback riding, swimming, and canoeing; and

(3) Educational activities and scientific research.

(B) The following are permitted within the RPA if approved by the director of T&ES. A water quality impact assessment may be required by the director of T&ES in accordance with section 13-117 if the project is located within an environmentally sensitive area, or is of sufficient scale to affect water quality.

(1) Repair and maintenance of existing piers, walkways, observation decks, wildlife management shelters, boathouses, and other similar water-related structures provided that there is no increase in structure footprint and that any required excavating and filling results in a land-disturbing activity of 2,500 square feet or less;

(2) Boardwalks, trails, and pathways;

(3) Historic preservation and archeological activities; and

(4) Repair and maintenance of existing flood control and stormwater management facilities.

(C) The following, if permitted in the underlying zone, are allowed within the RPA if approved by the director of T&ES and provided that a water quality impact assessment is performed and accepted by the director of T&ES as complete in accordance with section 13-117.

(1) A new or expanded water-dependent facility may be allowed provided that the following criteria are met:

(a) It does not conflict with the city master plan;

(b) Any non-water-dependent component is located outside of the RPA; and

(c) Access to the water-dependent facility is provided with the minimum disturbance necessary, and where practical, a single point of access is provided.

(2) Redevelopment may be allowed provided that the following criteria are met:

(a) There is no increase in impervious surface cover;

(b) There is no further encroachment within the RPA; and

(c) The proposed redevelopment is consistent with the city master plan.

(3) Public flood control and stormwater management facilities that drain or treat water from multiple development projects or from a significant portion of a watershed, may be allowed provided that:

(a) The director of T&ES has conclusively established that the location of the facility within the RPA is the optimum location;

(b) The size of the facility is the minimum necessary for flood control or stormwater quality treatment, or both;

(c) All applicable permits for construction in state or federal waters must be obtained from the appropriate state and federal agencies, such as the Army Corps of Engineers, the Virginia Department of Environmental Quality, and the Virginia Marine Resources Commission; and

(d) The facility is consistent with a city stormwater management program approved by the Virginia State Water Control Board.

(4) Stream restoration projects and shoreline erosion control and stabilization projects, including the removal of trees and woody vegetation, employment of necessary restoration, control, and stabilization techniques, and establishment of appropriate vegetation, may be allowed in accordance with the best available technical advice and applicable permit conditions or requirements if approved by the city arborist.

(D) In order to maintain the functional value of the RPA buffer area, existing vegetation may be removed if approved by the director of T&ES and only to provide for reasonable sight lines, access paths,

general woodlot management, and best management practices to prevent upland erosion and concentrated flows of stormwater, as follows:

(1) Trees may be pruned or removed as necessary to provide for sight lines and vistas, provided that where removed, they shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion, and filtering nonpoint source pollution from runoff. Replacement vegetation shall require the approval of the director of T&ES, in consultation with the department of recreation, parks, and cultural activities and the department of planning and zoning.

(2) Any path shall be constructed and surfaced so as to effectively control erosion.

(3) Dead, diseased, or dying trees or shrubbery and noxious weeds (such as Johnson grass, kudzu, and multiflora rose) may be removed and thinning of trees may be conducted. The director of T&ES may approve a long term management plan for a specific RPA that complies with professionally recognized management practices.

(E) The following encroachments, if permitted in the underlying zone, are allowed to the RPA buffer area if approved by the director of T&ES and provided that a water quality impact assessment is performed and accepted by the director of T&ES as complete in accordance with section 13-117.

(1) When the application of the buffer area would result in the loss of a buildable area on a lot or parcel recorded prior to October 1, 1989, encroachments into the buffer area may be approved by the director of T&ES in accordance with the following criteria:

(a) Encroachments into the buffer area shall be the minimum necessary to achieve a reasonable buildable area for a principal structure and necessary utilities;

(b) Where practicable, a vegetated area that will maximize water quality protection, mitigate the effects of the buffer encroachment, and is equal to the area of encroachment into the buffer area shall be established elsewhere on the lot; and

(c) The encroachment may not extend into the seaward 50 feet of the buffer area.

(2) When the application of the buffer area would result in the loss of buildable area on a lot or parcel recorded between October 1, 1989 and March 1, 2002, encroachments into the buffer area may be approved by the director of T&ES in accordance with the following criteria:

(a) The lot or parcel was created as a result of a legal process conducted in conformity with the city's subdivision regulations;

(b) Any conditions or mitigation measures imposed through previously approved exceptions must be met;

(c) If a stormwater BMP was previously required, the BMP shall be evaluated to determine if it continues to function effectively, and, if necessary, the BMP shall be reestablished or repaired and maintained as required; and

(d) The criteria in (1) above of this section shall be met.

13-108 *Development and uses permitted in RMAs.* Development, redevelopment, and uses authorized by the underlying zone are permitted in the RMA provided such activity is carried out in accordance with all applicable criteria in this Article XIII. The director of T&ES may, due to the unique characteristics of a site or the intensity of the proposed development, redevelopment, or use require a water quality impact assessment as provided in subsections 13-117(C) and (D).

13-109 *General performance requirements for CBPAs.* The director of T&ES shall approve development, redevelopment, uses, or land-disturbing activities in the CBPA only if it is found that the activity is in compliance with this Article XIII and that the applicant has demonstrated, by a preponderance of the evidence, that the proposed development, redevelopment, use, or land-disturbing activity meets or exceeds the following standards.

(A) No more land shall be disturbed than is necessary to provide for the proposed use, development, or redevelopment.

(B) Indigenous vegetation shall be preserved to the maximum extent practicable consistent with the use, development, or redevelopment proposed.

(C) Development or redevelopment shall minimize impervious cover consistent with the proposed use or development.

(D) The proposed development or redevelopment shall comply with section 5-4-1 et seq. of the City Code (erosion and sediment control).

(E) All development, redevelopment, and uses disturbing greater than 2,500 square feet shall meet the following storm water quality management performance requirements. For purposes of this section, the following shall be used to define the site area for determining water quality requirements: for projects disturbing less than 50 percent of the tax parcel (or if multiple parcels are involved, the land subject to the application), the disturbed area shall be used as the site area; for projects disturbing greater than or equal to 50 percent of the tax parcel (or if multiple parcels are involved, the land subject to the application), the entire tax parcel shall be used as the site area.

(1) The entire water quality volume from the site shall be treated. When the development, redevelopment, or use constitutes disturbing only a small portion of a tax map parcel greater than five acres in size, the director of T&ES may establish criteria for allowing the parcel to be divided into sub-basins.

(2) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures are exempt from subsections (4) and (5) below. The Alexandria water quality volume default requirement in subsection (6) still applies.

(3) In order to protect the quality of state waters located within the City of Alexandria and to control the discharge of stormwater pollutants from regulated activities, the following minimum design criteria and statewide standards for stormwater management, per 9VAC25-870-63 shall be applied.

(4) New development. The total phosphorus load of new development projects shall not exceed 0.41 pounds per acre per year, as calculated pursuant to this section.

(5) Development of prior developed lands:

(a) For land-disturbing activities disturbing greater than or equal to one acre that results in no net increase in impervious cover from the pre-development condition, the total phosphorus load shall be reduced at least 20 percent below the pre-development total phosphorus load.

(b) For regulated land-disturbing activities disturbing less than one acre that results in no net increase in impervious cover from the pre-development condition, the total phosphorus load shall be reduced at least ten percent below the predevelopment total phosphorus load.

(c) For land-disturbing activities that result in a net increase in impervious cover over the pre-development conditions, the design criteria for new development shall be applied to the increased impervious area. Depending on the area of disturbance, the criteria of subsections (a) or (b) above shall be applied to the remainder of the site.

(d) In lieu of subsection (c), the total phosphorus load of a linear development project as defined in 9VAC25-870-10 occurring on prior developed lands shall be reduced 20 percent below the predevelopment total phosphorus load.

(e) The total phosphorus load shall not be required to be reduced below the applicable standard for new development unless standards applied by other parts of this article require a more stringent standard.

(6) For new development and development on prior developed lands in subsections (4) and (5) above, the entire Alexandria water quality volume default from the site shall be treated, or the requirements must be met consistent with section 13-110.

(7) Compliance with subsections (4) and (5) above shall be determined using the runoff reduction method and through the use of stormwater BMPs established in 9VAC25-870-65 or found at the Virginia BMP Clearinghouse website, except as may be limited in accordance with policies established by the director of T&ES in accordance with subsection 13-104(C).

(8) Compliance with subsections (4) and (5) may be achieved by the applicant in accordance with off-site compliance options in 9VAC25-870-69 under the following circumstances:

(a) Less than five acres of land will be disturbed;

(b) The post-construction phosphorus control requirement is less than ten pounds per year; or

(c) At least 75 percent of the required phosphorus nutrient reductions are achieved on-site. If at least 75 percent of the require phosphorus nutrient reductions cannot be met on-site, and the operator can demonstrate to the satisfaction of the director of T&ES that (i) alternative site designs have been considered that may accommodate on-site best management practices, (ii) on-site best management practices have been considered in alternative site designs to the maximum extent practicable, (iii) appropriate on-site best management practices will be implemented, and (iv) full compliance with post-development nonpoint nutrient runoff compliance requirements cannot practicably be met on-site, then the required phosphorus nutrient reductions may be achieved, in whole or in part, through the use of off-site compliance options.

(9) When the requirements of subsections (4) and (5) have otherwise been met, the requirement to treat the entire Alexandria water quality volume default in subsection (6) may be achieved in accordance with alternative stormwater management equivalency options presented in section 13-110.

(10) Notwithstanding those exemptions granted under section 13-123, all such land-disturbing activities shall be subject to the design storm and hydrologic methods set out in 9VAC25-870-72, linear development controls in 9VAC25-870-76, and criteria associated with stormwater impoundment structures in 9VAC25-870-85.

(11) Notwithstanding the above requirements, any site with (a) an intermittent stream contained within an existing natural channel, or (b) a non-tidal wetland that does not meet the criteria for designation as a resource protection area in section 13-105(B), must meet the following additional water quality performance criteria:

(a) Measures must be taken to protect these features from direct stormwater runoff from impervious surfaces and to preserve their water quality functions.

(b) A 50-foot wide vegetated area preserved where present, or established where not present, on the outward edge of these features shall be considered a sufficient BMP to meet this standard if the vegetated area is designed to prevent erosion and scouring.

(c) The BMP requirement in (b) above may alternatively be met through the use of a smaller vegetated area in combination with equivalent on-site stormwater treatment and/or equivalent off-site options presented in section 13-110 if approved by the director of T&ES.

(d) Development, redevelopment, uses, and land-disturbing activities allowed in the vegetated area shall be the same as those allowed in RPAs as described in section 13-107. Delineation of the vegetated area shall be accomplished in the manner prescribed in section 13-106.

(e) The director of T&ES may waive the requirements of (b) above if the non-tidal wetland is demonstrated to the director of T&ES's satisfaction that it qualifies as an isolated wetland of minimal ecological value defined in section 13-103(K).

(F) All development and redevelopment shall meet the following channel protection and flood protection requirements. Compliance with this section satisfies the stormwater management requirements of section 5-4-7(c)(4) of the City Code (erosion and sediment control):

(1) Channel protection. Concentrated stormwater flow shall be released into a stormwater conveyance system and shall meet the criteria of this section, where applicable, from the point of discharge to a point within the limits of analysis in subsection (d).

(a) *Manmade stormwater conveyance systems.* When stormwater from a development is discharged to a manmade stormwater conveyance system, following the land-disturbing activity, either:

(i) The manmade stormwater conveyance shall convey the post-development peak flow rate from the two-year 24-hour storm event without causing erosion of the system. Detention of stormwater or downstream improvements may be incorporated into the land-disturbing activity to meet this criterion, at the discretion of the director; or

(ii) The peak discharge requirements for concentrated stormwater flow to natural stormwater conveyance systems in subsection (c) shall be met.

(b) *Restored stormwater conveyance systems.* When stormwater from a development is discharged to a restored stormwater conveyance system that has been restored using natural design concepts, following the land-disturbing activity, either:

(i) The development shall be consistent, in combination with other stormwater runoff, with the de-

sign parameters of the restored stormwater conveyance system that is functioning in accordance with the design objectives; or

(ii) The peak discharge requirements for concentrated stormwater flow to natural stormwater conveyance systems in subsection (c) shall be met.

(c) *Natural stormwater conveyance systems.* When stormwater from a development is discharged to a natural stormwater conveyance system the maximum peak flow rate from the one-year 24-hour storm following the land-disturbing activity shall be calculated either:

(i) In accordance with the following methodology:

$Q_{Developed} \leq I.F. * (Q_{Pre\text{-}developed} * RV_{Pre\text{-}developed})/RV_{Developed}$

Under no condition shall $Q_{Developed}$ be greater than $Q_{Pre\text{-}developed}$ nor shall $Q_{Developed}$ be required to be less than that calculated in the equation $(Q_{Forest} * RV_{Forest})/RV_{Developed}$; where

I.F (Improvement Factor) equals 0.8 for sites 1 acre or 0.9 for sites ≤ 1 acre.

$Q_{Developed}$ = The allowable peak flow rate of runoff from the developed site.

$RV_{Developed}$ = The volume of runoff from the site in the developed condition.

$Q_{Pre\text{-}developed}$ = The peak flow rate of runoff from the site in the pre-developed condition.

$RV_{Pre\text{-}developed}$ = The volume of runoff from the site in pre-developed condition.

Q_{Forest} = The peak flow rate of runoff from the site in a forested condition.

RV_{Forest} = The volume of runoff from the site in a forested condition.

(d) *Limits of analysis.* Unless subsection (c) is utilized to show compliance with the channel protection criteria, stormwater conveyance systems shall be analyzed for compliance with channel protection criteria to a point where either:

(i) Based on land area, the site's contributing drainage area is less than or equal to 1.0 percent of the total watershed area; or

(ii) Based on peak flow rate, the site's peak flow rate from the one-year 24-hour storm is less than or equal to 1.0 percent of the existing peak flow rate for the one-year 24-hour storm event prior to implementation of any stormwater quantity control measures.

(2) Flood protection. Concentrated stormwater flow shall be released into a stormwater conveyance system and shall meet one of the following criteria as demonstrated by the use of acceptable hydrologic and hydraulic methodologies:

(a) Concentrated stormwater flow to stormwater conveyance systems that currently do not experience localized flooding during the ten-year 24-hour storm event:

(i) The point of discharge releases stormwater into a stormwater conveyance system that, following the land-disturbing activity, confines the post-development peak flow rate from the ten-year 24-hour storm event within the stormwater conveyance system; and

(ii) Unless waived under (iv), the post-development peak flow rate for the ten-year 24-hour storm event shall be less than the predevelopment peak flow rate from the ten-year 24-hour storm event.

(iii) Detention of stormwater or downstream improvements may be incorporated into the approved land-disturbing activity to meet (i) and (ii), at the discretion of the director of T&ES.

(iv) A waiver of the detention requirements and/or the downstream stormwater limits of analysis in subsection (2)(c) may be granted by the director based on factors including but not limited to the project's location in the watershed.

(b) Concentrated stormwater flow to stormwater conveyance systems that currently experience localized flooding during the ten-year 24-hour storm event: The point of discharge either:

(i) Confines the post-development peak flow rate from the ten-year 24-hour storm event within the stormwater conveyance system to avoid the localized flooding. Additional detention of stormwater or downstream improvements may be incorpo-

rated into the approved land-disturbing activity to meet this criterion, at the discretion of the director; or

(ii) Releases a post-development peak flow rate for the ten-year 24-hour storm event that is less than the pre-development peak flow rate from the ten-year 24-hour storm event.

(iii) A waiver of the detention requirement may be granted by the director of T&ES based on factors including but not limited to the amount of stormwater runoff generated, the severity of flooding issues in the watershed and/or the lack of adequacy of the existing conveyance system.

(c) Limits of analysis. Stormwater conveyance systems shall be analyzed for compliance with flood protection criteria to a point where:

(i) The site's contributing drainage area is less than or equal to 1.0 percent of the total watershed area draining to a point of analysis in the downstream stormwater conveyance system;

(ii) Based on peak flow rate, the site's peak flow rate from the ten-year 24-hour storm even is less than or equal to 1.0 percent to the existing peak flow rate from the ten-year 24-hourstorm event prior to the implementation of any stormwater quantity control measures; or,

(iii) The stormwater conveyance system enters a mapped floodplain or other flood-prone area adopted in accordance with section 6-300 et seq. of the City Code.

(d) Alternative limits of analysis. If section 13-109(F)(2)(a)(i) and (ii) or 109(F)(2)(b)(ii) are utilized to comply with the flood protection criteria the downstream limit of analysis shall extend to:

(i) A point that is at least 150 feet downstream of a point where the receiving pipe or channel is joined by another that has a drainage area that is at least 90 percent of the size of the first drainage area at the point of confluence; or

(ii) A point that is at least 150 feet downstream of a point where the drainage area is 360 acres or greater.

(3) Increased volumes of sheet flow resulting from pervious or disconnected impervious areas, or from physical spreading of concentrated flow through level spreaders, must be identified and evaluated for potential impacts on down-gradient properties or resources. Increased volumes of sheet flow that will cause or contribute to erosion, sedimentation, or flooding of down gradient properties or resources shall be diverted to a stormwater management facility or a stormwater conveyance system that conveys the runoff without causing down-gradient erosion, sedimentation, or flooding. If all runoff from the site is sheet flow and the conditions of this subsection are met, no further water quantity controls are required.

(4) For the purposes of computing pre-development runoff, all pervious lands on the site shall be assumed to be in good hydrologic condition in accordance with the U.S. Department of Agriculture's Natural Resources Conservation Service (NRCS) standards, regardless of conditions existing at the time of computation. Pre-development runoff calculations utilizing other hydrologic conditions may be utilized provided that it is demonstrated to and approved by the director of T&ES that actual site conditions warrant such considerations.

(5) Pre-development and post-development runoff characteristics and site hydrology shall be verified by site inspections, topographic surveys, available soil mapping or studies, and calculations consistent with good engineering practices. Guidance provided in the Virginia Stormwater Management Handbook and by the Virginia Stormwater BMP Clearinghouse shall be considered appropriate practices.

(6) The director of T&ES may waive thee requirements provided in subsection (2) in cases where stormwater detention would conflict with the city's flood management programs. The waiver may be granted based on factors including, but not limited to, the project's location in the watershed and/or off-site improvement to upgrade the downstream conveyance systems.

(7) Post-development concentrated surface waters shall not be discharged on adjoining property, unless an easement expressly authorizing such discharge has been granted by the owner of the affected land.

(G) It shall be the responsibility of the owner of any stormwater quality or quantity management facility established to meet the requirements of (E) and (F) above to provide adequate maintenance for proper functioning of the system. The following requirements apply to all existing and future facilities constructed in the city:

(1) The owner shall enter into a stormwater BMP maintenance agreement (agreement) with the city that provides all necessary provisions to ensure compliance with this article, to include access for inspections. The agreement shall require the provision of long-term maintenance of stormwater BMPs and provide for inspections. Facility-specific inspection frequency and maintenance requirements shall be set by city policy and procedures. The BMP maintenance agreement shall be set forth in an instrument recorded in the city land records. The stormwater BMP maintenance agreement form will be provided by the director of T&ES in accordance with section 13-104(C).

(2) The owner shall prepare and submit inspection and maintenance reports to the city in accordance with city policies and procedures for the specific facility. Inspection and maintenance reports shall be signed by the owner of the facility or an individual acting on the owner's behalf, a registered professional, or a person who holds an appropriate certificate of competence from the board. Such certification shall state that the facility is being adequately maintained as designed.

(3) The owner shall provide the city with access to the facility to perform quality assurance inspections and follow up inspections to ensure adequate maintenance has been conducted a minimum of once every five years, or on a more frequent basis at the discretion of the director. If inadequate maintenance is observed by the city, the owner will be notified and an adequate period specified for corrective action. If the corrective action is not performed within the specified time, the city may perform the necessary corrections and bill the property owner. In cases of repeated instances of failure to perform required maintenance, sanctions may be imposed as provided in section 13-126.

13-110 Alexandria water quality improvement fund and alternative stormwater management equivalency options.

(A) The director of T&ES, in consultation with the director of planning and zoning and the director of recreation, parks, and cultural activities, as appropriate, shall establish equivalent stormwater management options that may be used to meet the requirements of section 13-109(E)(6) and section 13-109(E)(11)(c). Options shall include the following:

(1) Specific on-site and off-site improvements that have been determined by the director of T&ES to achieve a pollutant removal equal to or greater than what would have been achieved had a traditional BMP been required; and

(2) Monetary contributions to the Alexandria water quality improvement fund provided for in subsection (C) below.

(B) Improvements may include, but not necessarily be limited to, stream restoration, stream daylighting, removal of existing RPA encroachments, RPA enhancement, street cleaning, combined sewer system separation, and permanent preservation of open space areas beyond the city's baseline open space preservation requirements.

(C) Monetary contributions to the Alexandria water quality improvement fund shall be calculated by the director of T&ES based on estimates of the cost of actually installing and maintaining on-site BMPs through their life cycle. These costs will be updated on a periodic basis by the director of T&ES as required.

(D) In determining whether to allow equivalent stormwater options, as well as the appropriate combination of on-site and off-site controls, the director of T&ES shall take into consideration the following:

(1) Whether there is an opportunity to control impervious surface cover that comes into routine contact with vehicles, including but not limited to parking areas, streets and roadways except for public roads exempt under section 13-109; loading docks; equipment, material, and waste storage areas; and vehicle fueling, washing, storage, maintenance, and repair areas;

(2) Whether other environmental and public benefits such as site design, open space, tree preservation, and landscaping can be achieved;

(3) Whether on-site stormwater detention would conflict with the city's flood management programs;

(4) Whether site-specific constraints would make on-site treatment difficult or impractical, especially when the site consists of a single-family residence separately built and not part of a subdivision;

(5) Whether there are opportunities readily available for off-site improvements within the general vicinity of the site that will provide greater water quality benefits than on-site improvements;

(6) Whether there are opportunities to control specific pollutants of concern identified within the watershed or subwatershed, including but not limited to those identified by the department of environmental quality in its most recent 303(d) Total Maximum Daily Load (TMDL) Priority List;

(7) Whether there are opportunities to implement the Water Quality Management Supplement to the city master plan and the city's Virginia Stormwater Management Permit (VSMP) for its municipally owned separate storm sewer system discharges as issued by the Department of Environmental Quality; and

(8) Whether the cost of implementing available off-site improvements is reasonably equivalent to that of a monetary contribution;

(9) Single family residential development projects that are exempt from the water quality requirements of section 13-123(A) are considered eligible to contribute to the Alexandria water quality improvement fund in section 13-110(A)(2) to meet the Alexandria water quality volume default requirement in section 13-107(E)(3) with no further consideration of items (1) through (8) above.

(E) Final approval of equivalency options used for a particular site shall be made at the sole discretion of the director of T&ES.

(F) The city hereby establishes a dedicated fund known as the Alexandria water quality improvement fund to be used in conjunction with this Article XIII, the water quality management supplement to the city master plan, and the city's municipal separate storm sewer system (MS4) general permit issued by the Virginia Department of Environmental Quality. The purpose of

the fund is to reduce nonpoint source pollution and improve stream quality and habitat through appropriate activities including, but not limited to: new BMPs, retrofit of existing BMPs, riparian enhancements, stream bank stabilization and/or restoration, public education and outreach, demonstration projects, water quality monitoring and analysis, and other activities to meet TMDL requirements.

13-111 Development review process.

(A) Any development, redevelopment, or use exceeding 2,500 square feet of land disturbance within the CBPA shall be subject to the development review process outlined in subsection (C) below prior to any clearing of the site, or the issuance of any building, land use, or land development permit. However, any land-disturbing activity less than one acre within the CBPA shall not be required to complete a registration statement for coverage under the general permit, but shall be subject to all aspects of the development review process, to include the water quality and quantity criteria in subsections 13-109(E) and (F). Further, any detached single-family home construction within or outside of a common plan of development or sale that is not otherwise exempt shall not be required to complete a registration statement, but shall adhere to all other requirements of the general permit and all applicable requirements of this article.

(B) Notwithstanding subsection (A) above, all development, redevelopment, or use in the RPA, or in the vegetated area established under subsection 13-109(E)(11), regardless of the amount of land disturbance, shall be subject to the review criteria established in section 13-107 prior to any clearing of the site or the issuance of any building, land use, or land development permit.

(C) The development review process application shall consist of the plans and studies identified below, such application forms as the director of T&ES shall require and the appropriate fees, which together shall constitute the plan of development. The plans and studies identified in this section may be coordinated or combined with other required submission materials, as deemed appropriate by the director of T&ES. The plan of development shall contain the following elements:

(1) A site plan in accordance with the provisions of section 11-400 of this ordinance or other applicable law and, if applicable, a subdivision plat in accordance with the provisions of Chapter 5, Title 7 of the City Code;

(2) An environmental site assessment as detailed in section 13-112;

(3) A landscape plan in accordance with the provisions of section 113-117(D)(3) of this ordinance certified by qualified design professionals practicing within their areas of competence;

(4) A stormwater management plan as detailed in section 13-114 and approved in accordance with section 13-115;

(5) An erosion and sediment control plan in accordance with the provisions of Chapter 4, Title 5 of the City Code;

(6) Completion of the stormwater pollution prevention plan checklist referring to standard plan language included in the final plan; and

(7) For all land disturbance, development, or redevelopment within an RPA, or within an environmentally sensitive area as determined by the director of T&ES pursuant to section 13-117(C) or section 13-117(D), or for an exception under section 13-119, a water quality impact assessment as detailed in section 13-117.

(D) No development, redevelopment, uses, or land disturbing activities may commence until the director of T&ES has approved the final site plan and a state construction general permit has been issued based on approval of a complete and accurate registration statement signed and submitted by the operator, if such registration statement is required. The following shall be required for final site plan approval:

(1) Evidence that a general VPDES permit for discharges of stormwater from construction activities has been issued, if such general permit is required;

(2) Approval by the director of T&ES of all requirements as outlined in subsection (C) above;

(3) Payment of all applicable fees in accordance with section 113-104(D);

(4) Demonstration to the satisfaction of the director of T&ES, through the review of the final site plan application and attendant materials and supporting documentation, that all land clearing, construction, disturbance, land development, and drainage will be done in accordance with this Article XIII.

(5) Review of a signed standard maintenance and monitoring agreement for the long term maintenance of stormwater BMPs, and proof of recordation per section 13-109(G).

(E) As a condition of final plan approval, any development, redevelopment, or land-disturbing activity of one acre or greater must develop prior to the land-disturbing activity, implement, and keep at the site for inspection a stormwater pollution prevention plan that meets the requirements set forth in section 13-113, which includes a pollution prevention plan that meets the requirements set forth in section 13-116.

13-112 Environmental site assessment.

(A) The environmental site assessment shall clearly delineate the individual components of the RPA as well as the total geographic extent of the RPA as defined in section 13-105(B) through a methodology approved by the director of T&ES under the authority of section 13-104(C).

(B) The environmental site assessment shall also clearly describe, map, or explain the following:

(1) Intermittent streams contained within a natural channel through a methodology approved by the director of T&ES under the authority of section 13-104(C).

(2) Highly erodible and highly permeable soils if available from existing public documents or documents available to the applicant;

(3) Steep slopes greater than 15 percent in grade;

(4) Known areas of contamination;

(5) Springs, seeps, and related features; and

(6) A listing of all wetlands permits required by law (evidence that such permits have been obtained shall be presented to the director of T&ES before permits will be issued to allow commencement of grading or other on-site activity).

(C) Wetlands delineations shall be performed consistent with current procedures promulgated by the U.S. Army Corps of Engineers and the Environmental Protection Agency.

(D) Site-specific evaluations or delineations of RPA boundaries shall be certified by a professional engineer, land surveyor, landscape architect, soil scientist, or wetland delineator certified or licensed to practice in the Commonwealth of Virginia.

(E) In the event that no part of the site plan area contains any elements described in subsection (A) or (B) above, the applicant and the party responsible for the evaluation may, in lieu of providing an environmental site assessment plan, so certify the finding, in writing and under oath, to the director of T&ES. Any permit issued in reliance upon such a certification where said certification is factually inaccurate or incorrect shall be void ab initio. Such invalidity shall be in addition to any other penalties which may be imposed upon the makers of such certification.

(F) The environmental site assessment shall be drawn at the same scale as the preliminary site plan or subdivision plat, and shall be certified as complete and accurate by a professional engineer or a certified land surveyor. This requirement may be waived by the director of T&ES when the proposed use or development would result in less than 5,000 square feet of disturbed area.

13-113 Stormwater pollution prevention plan.

(A) The stormwater pollution prevention plan (SWPPP) shall include the content specified in 9VAC25-870-54, which includes but is not limited to, an approved erosion and sediment control plan, an approved stormwater management plan, a pollution prevention plan for regulated land-disturbing activities, and a description of any additional control measures necessary to address a TMDL. The SWPPP must also comply with the requirements and general information set forth in 9VAC25-880-70 Section II of the general VPDES permit for discharges of stormwater from construction activities (construction general permit).

(B) The SWPPP shall be amended by the operator whenever there is a change in design, construction, operation, or maintenance that has a significant effect on the discharge of pollutants to state waters that is not addressed in the existing SWPPP.

(C) The SWPPP must be maintained by the operator at a central location on-site. If an on-site location is not available, notice of the SWPPP's location must be posted near the main entrance at the construction site. Operators shall make the SWPPP available for public review in accordance with Section II of the general permit, either electronically or in hard copy.

13-114 Stormwater management plan.

(A) The stormwater management plan must apply the stormwater technical requirements of section 13-109 to the entire site. Indi-

vidual lots in a new residential, commercial, or industrial development or sale, including those developed under subsequent owners, shall not be considered separate land-disturbing activities. Instead, the common plan, as a whole, shall be considered to be a single land disturbing activity. The plan shall consider all sources of surface runoff and all sources of subsurface and groundwater flows converted to surface runoff. The plan shall contain maps, charts, graphs, tables, photographs, narrative descriptions, explanations, calculations, and citations to supporting references as appropriate to communicate the information required by this Article XIII. At a minimum, the stormwater management plan must contain the following:

(1) Information on the type and location of stormwater discharges; information on the features to which stormwater is being discharged including surface waters, and the pre-development and post-development drainage areas;

(2) Contact information including the name, address, and telephone number of the owner and the tax reference and parcel number of the property or properties affected;

(3) A narrative that includes a description of current site conditions and final site conditions;

(4) A general description of the proposed stormwater management facilities and a maintenance agreement and inspection schedule in accordance with section 13-109(G) to ensure that the facilities will be operated and maintained after construction is complete;

(5) Information on the proposed stormwater management facilities, including:

(a) The type of facilities;

(b) Location, including geographic coordinates;

(c) Acres treated; and

(d) The surface waters into which the facility will discharge.

(6) Hydrologic and hydraulic computations, including runoff characteristics.

(7) Documentation and calculations verifying compliance with the water quality and water quantity requirements of section 13-109.

(8) A map or maps of the site that depicts the topography of the site and includes:

(a) All contributing drainage areas;

(b) Existing streams, ponds, culverts, ditches, wetlands, other water bodies, and floodplains;

(c) Soil types, relevant geological formations, forest cover, and other vegetative areas;

(d) Current land use including existing structures, roads, and locations of known utilities and easements;

(e) Sufficient information on adjoining parcels to assess the impacts of stormwater from the site on these parcels;

(f) The limits of clearing and grading, and the proposed drainage patterns on the site;

(g) Proposed buildings, roads, parking areas, utilities, and stormwater management facilities; and

(h) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses, including but not limited to planned locations of utilities, roads, and easements.

(B) If an operator intends to meet the water quality requirements set forth in section 13-109(E) through the use of off-site credits in accordance with section 13-109(E)(8), then a letter of availability from the off-site provider must be included. Approved off-site options must achieve the necessary reductions prior to the commencement of the applicant's land-disturbing activity except as otherwise allowed by Section 62.1-44.15:35 of the Code of Virginia.

(C) If the operator intends to utilize the alternative stormwater management equivalency options in section 13-110 to meet the Alexandria water quality volume default in section 13-109(E)(6) or the additional water quality performance criteria of section 13-109(E)(8), then the operator must submit a narrative and any required calculations.

(D) Site specific facilities for phased projects shall be designed for the ultimate development of the contributing project watershed based on zoning, comprehensive plans, local public facility master plans, or other similar planning documents.

(E) Elements of stormwater management plans that include activities regulated under Chapter 4 of Title 54.1 of the Code of Virginia

be appropriately sealed and signed by professional registered in the Commonwealth of Virginia and performed in accordance with procedures, consistent with good engineering practice, established by the director of T&ES pursuant to section 13-104(C).

(F) All stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer registered in the Commonwealth of Virginia.

(G) An as-built drawing for permanent stormwater management facilities shall be submitted to the director of T&ES in accordance with section 13-114. The as-built drawing shall be appropriately sealed and signed by a professional registered in the Commonwealth of Virginia certifying that the stormwater facilities have been constructed in accordance with the approved plan.

(H) The plan shall establish a long-term schedule for inspection and maintenance of stormwater management facilities that includes all maintenance requirements and persons responsible for performing maintenance. If the designated maintenance responsibility is with a party other than the City of Alexandria, then a maintenance agreement shall be executed between the responsible party and the city in accordance with section 13-109(G).

13-115 Stormwater management plan review.

(A) The director of T&ES shall review stormwater management plans and shall approve or disapprove a stormwater management plan in accordance with the following:

(1) The director of T&ES shall determine the completeness of the plan in accordance with section 13-114 and shall notify the applicant, in writing, of such determination within 15 calendar days of receipt. If the plan is deemed incomplete, the above written notification shall contain the reasons the plan is deemed incomplete.

(2) The director of T&ES shall have an additional 60 calendar days from the date of the communication of completeness to review the plan, except that if a determination of completeness is not made and communicated within 15 days, then the plan shall be deemed complete and the director of T&ES shall have 60 calendar days from the date of submission to review the plan.

(3) The director of T&ES shall review any plan that has been previously disapproved within 45 calendar days of the date of re-submission.

(4) During the review period, the plan shall be approved or disapproved and the decision communicated in writing to the person responsible for the land-disturbing activity or the designated agent. If the plan is not approved, the reasons for not approving the plan shall be provided in writing. Approval or denial shall be based on the plan's compliance with the requirements of this article.

(5) If a plan meeting all requirements of this article is submitted and no action is taken within the time frame provided in this subsection, the plan will be deemed approved.

(B) Approved stormwater management plans may be modified as follows:

(1) Modifications to an approved stormwater management plan shall be allowed only after review and written approval by the director of T&ES. The director of T&ES shall have 60 calendar days to respond in writing either approving or disapproving such request.

(2) The director of T&ES may require that an approved stormwater management plan be amended, within a time prescribed by the director of T&ES, to address any deficiencies noted during inspection.

(C) The director of T&ES shall require the submission of an as-built drawing for permanent stormwater facilities. The director of T&ES may elect not to require as-built drawings for stormwater management facilities for which recorded maintenance agreements are not required.

13-116 Pollution prevention plan.

(A) The pollution prevention plan is required by 9VAC25-870-56 and shall be developed, implemented, and updated as necessary, and must detail the design, installation, implementation, and maintenance of effective pollution prevention measures to minimize the discharge of pollutants. At a minimum, such measures must be designed, installed, implemented, and maintained to:

(1) Minimize the discharge of pollutants from equipment and vehicle washing, wheel wash water, and other wash waters. Wash waters must be treated in a sediment basin or alternative control that provides equivalent or better treatment prior to discharge;

(2) Minimize the exposure of building materials, building products, construction wastes, trash, landscape materials, fertilizers, pesticides, herbicides, detergents, sanitary waste, and other materials present on the site to precipitation and to stormwater; and

(3) Minimize the discharge of pollutants from spills and leaks and implement chemical spill and leak prevention and response procedures.

(B) The pollution prevention plan shall include effective best management practices to prohibit the following discharges:

(1) Wastewater from washout of concrete, unless managed by an appropriate control;

(2) Wastewater from washout and cleanout of stucco, paint, form release oils, curing compounds, and other construction materials;

(3) Fuels, oils, or other pollutants used in vehicle and equipment operation and maintenance; and

(4) Soaps or solvents used in vehicle and equipment washing.

(C) Discharges from dewatering activities, including discharges from dewatering of trenches or excavations, are prohibited unless managed by appropriate controls.

13-117 Water quality impact assessment.

(A) The purpose of the water quality impact assessment is to:

(1) Identify the impacts of a proposed use, development, or redevelopment on water quality and lands within an RPA;

(2) Ensure that, where a use, development, or redevelopment does take place within an RPA, it will be located on those portions of the site and in a manner that will be least disruptive to the natural functions of the RPA;

(3) Identify the impacts of a proposed use, development, or redevelopment within an RMA where the director of T&ES has determined that the proximity to an RPA, the environmentally sensitive characteristics of the site, or the proposed scale and intensity has the potential to affect water quality;

(4) Specify mitigation that will address water quality protection under the foregoing circumstances or under an exception under section 13-116.

(B) A water quality impact assessment is required for any proposed development or redevelopment in the RPA, except that at the discretion of the director of T&ES a water quality impact assessment may not be required if the activity is addressed under section 13-107(A), section 13-107(B), or section 13-107(D). There are two types of water quality impact assessments: water quality minor impact assessments and water quality major impact assessments.

(C) A water quality minor impact assessment is required for development or redevelopment within RPAs or under an exception which involves 5,000 or less square feet of land disturbance; or for any development or redevelopment within the RMA that involves 5,000 or less square feet of land disturbance adjacent to an RPA, if required by the director of T&ES due to the presence or

proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater that 15 percent which are proposed to be disturbed. A minor assessment must demonstrate that the undisturbed buffer area, enhanced vegetative plantings, and any required BMPs will result in the removal of no less than 75 percent of sediments and 40 percent of nutrients from post-development stormwater runoff and that will retard runoff, prevent erosion, and filter nonpoint source pollution the equivalent of the full undisturbed buffer area. Such an assessment shall include a site plan that shows the following:

(1) Location and description of the existing characteristics and conditions of the components of the RPA as identified in section 13-105(B) and delineated in the environmental site assessment required by section 13-112;

(2) Location and nature of the proposed encroachment into the buffer area, including: type of paving material; areas of clearing or grading; location of any structures, drives, or other impervious cover; and sewage disposal systems or reserve drainfield sites;

(3) Type and location of enhanced vegetation and/or proposed BMPs to mitigate the proposed encroachment;

(4) Location of existing vegetation on-site, including the number and types of trees and other vegetation to be removed in the buffer to accommodate the encroachment or modification; and

(5) Revegetation plan that supplements the existing buffer vegetation in a manner that provides for pollutant removal, erosion, and runoff control. The revegetation plan will incorporate native vegetation to the extent practicable.

(D) A water quality major impact assessment is required for development or redevelopment within RPAs or under an exception that involves more than 5,000 square feet of land disturbance; or for any development or redevelopment within the RMA which involves more than 5,000 square feet of land disturbance adjacent to an RPA, if required by the director of T&ES due to the presence or proximity of wetlands, potential for harmful discharge of contaminants from the property, or slopes greater than 15 percent which are proposed to be disturbed. The following elements shall be included in a water quality major impact assessment:

(1) All of the information required in a water quality minor impact assessment as specified in subsection (C) above;

(2) A hydrogeological element that:

(a) Describes the existing topography, soils, hydrology, and geology of the site;

(b) Describes the impacts of the proposed development or redevelopment on topography, soils, hydrology, and geology on the site;

(c) Indicates the following:

(i) Disturbance or reduction of wetlands and justification for such action;

(ii) Disruption or reductions in the supply of water to wetlands, streams, lakes, rivers, or other water bodies;

(iii) Disruptions to existing hydrology, including wetland and stream circulation patterns;

(iv) Source location and description of proposed fill material (may, at applicant's risk, be provided when the U.S. Army Corps of Engineers permit application is submitted);

(v) Location of dredge materials and location of dumping area for such materials (may, at applicant's risk, be provided when the U.S. Army Corps of Engineers permit application is submitted);

(vi) Locations of and impacts on adjacent shellfish beds, submerged aquatic vegetation, and fish spawning areas (may, at applicant's risk, be provided when the U.S. Army Corps of Engineers permit application is submitted);

(vii) The estimated pre- and post-development pollutant loads in runoff as delineated in the stormwater management plan required by section 13-113;

(viii) Estimation of percent increase in impervious surface on the site and identification of the type(s) of surfacing materials to be used;

(ix) Percent of the site to be cleared for the project;

(x) Anticipated duration and phasing schedule of the construction period; and

(xi) Listing of all requisite permits from all applicable agencies necessary to develop the project;

(d) Describes the proposed mitigation measures for the potential hydrogeological impacts. Potential mitigation measures include:

(i) Proposed erosion and sediment control measures, which may include minimizing the extent of the cleared area, perimeter controls, reduction of runoff velocities, measures to stabilize disturbed areas, schedule and personnel for site inspection;

(ii) Proposed stormwater management system;

(iii) Creation of wetlands to replace those lost; and

(iv) Minimizing cut and fill.

(3) A supplement to the landscape plan that:

(a) Identifies and delineates the location of all significant plant material, including all trees on site six inches or greater diameter breast height. Where there are groups of trees, stands shall be outlined.

(b) Describes the impacts the development or use will have on the existing vegetation. Information should include:

(i) General limits of clearing based on all anticipated improvements, including buildings, drives, and utilities;

(ii) Clear delineation of all trees which will be removed; and

(iii) Description of plant species to be disturbed or removed.

(c) Describes the potential measures for mitigation. Possible mitigation measures include:

(i) Replanting schedule for trees and other significant vegetation removed for construction, including a list of possible plants and trees to be used;

(ii) Demonstration that the proposed plan will preserve to the greatest extent possible any significant trees and vegetation on the site and will provide maximum erosion and overland flow benefits from such vegetation;

(iii) Demonstration that indigenous plants are to be used to the greatest extent possible; and

(iv) Identification of the natural processes and ecological relationships inherent at the site, and an assessment of the impact of the proposed use and

development of the land, including mitigating measures proposed in the water quality impact assessment, on these processes and relationships.

(E) A water quality minor impact assessment shall be certified as complete and accurate by a professional engineer or a certified land surveyor. The additional elements required in a water quality major impact assessment shall be certified as complete and accurate by a professional engineer and by a qualified environmental scientist.

(F) For any water quality impact assessment to proceed, the director of T&ES must first approve it for completeness and compliance with this Article XIII. Upon receipt of any water quality major impact assessment application, the director of T&ES may determine if review by the department is warranted and may request the department to review the assessment and respond with written comments. Any comments by the department will be incorporated into the final review by the director of T&ES provided that such comments are provided by the department within 90 days of the request.

(1) For a water quality minor impact assessment, the director of T&ES shall base this finding on the following criteria:

(a) The necessity of the proposed encroachment and the ability to place improvements elsewhere on the site to avoid disturbance of the buffer area;

(b) Impervious surface is minimized;

(c) Proposed BMPs, where required achieve the requisite reductions in pollutant loadings;

(d) The development, as proposed, meets the purpose and intent of these regulations;

(e) The cumulative impact of the proposed development when considered in relation to other development within the RPA in the vicinity, both existing and proposed, will not result in a significant degradation of water quality.

(2) For a water quality major impact assessment, the director of T&ES shall base this finding on the following criteria:

(a) Within any RPA, the proposed development is water-dependent or constitutes redevelopment;

(b) The disturbance of wetlands shall comply with state and federal regulations;

(c) The development will not result in significant disruption of the hydrology of the site;

(d) The development will not result in significant degradation of water quality that could adversely affect aquatic vegetation or life;

(e) The development will not result in unnecessary destruction of plant material on site;

(f) Proposed erosion and sediment control measures are adequate to achieve the required reductions in runoff, and prevent off-site transport of sediment during and after construction;

(g) Proposed stormwater management measures are adequate to control the stormwater runoff to achieve the required standard for pollutant control; and

(h) Proposed revegetation of disturbed areas will provide adequate erosion and sediment control benefits, as determined by the director of T&ES.

13-118 Final plans.

(A) Final site plans and subdivision plats subject to this Article XIII for all lands within the CBPA shall include the following additional information:

(1) A copy showing issuance of all wetlands permits required by law; and

(2) A BMP inspection schedule and maintenance agreement between the city and applicant as deemed necessary and appropriate by the director of T&ES to ensure proper maintenance of best management practices in order to assure their continued performance.

(B) The following installation and bonding requirements shall be met.

(1) Where buffer areas, landscaping, stormwater management facilities or other specifications of an approved plan are required, no certificate of occupancy shall be issued until the installation of required plant materials or facilities is completed, in accordance with the approved site plan.

(2) When the occupancy of a structure is desired prior to the completion of the required landscaping, stormwater management facilities, or other specifications of an approved plan, a certificate of occupancy may be issued only if the

applicant provides to the city a surety bond or equivalent satisfactory to the director of T&ES in amount equal to the remaining plant materials, related materials, and installation costs of the required landscaping or facilities and/or maintenance costs for any required stormwater management facilities during the construction period.

(3) Unless otherwise approved by the director of T&ES for a phased project, all required landscaping shall be installed and approved by the first planting season following issuance of a certificate of occupancy or the surety bond may be forfeited to the city.

(4) Unless otherwise approved by the director of T&ES for a phased project, all required stormwater management facilities or other specifications shall be installed and approved within 18 months of project commencement. Should the applicant fail, after proper notice, to initiate, complete or maintain appropriate actions required by the approved plan, the surety bond may be forfeited to the city. The city may collect from the applicant the amount by which the reasonable cost of required actions exceeds the amount of surety held.

(5) After all required actions of the approved site plan have been completed, the applicant must submit a written request for a final inspection. If the requirements of the approved plan have been completed to the satisfaction of the director of T&ES, such unexpended or unobligated portion of the surety bond held shall be refunded to the applicant or terminated within 60 days following the receipt of the applicant's request for final inspection. The director of T&ES may require a certificate of substantial completion from a professional engineer or licensed surveyor before making a final inspection.

13-119 Exceptions.

(A) Unless otherwise provided in this Article XIII, a request for an exception to the requirements of this Article XIII shall be made pursuant to this section in writing to the director of T&ES. The request shall identify the impacts of the proposed exception on water quality and on lands within the RMA and RPA through the performance of a water quality impact assessment that complies with the provisions of section 13-117 to the extent applicable.

(B) For exceptions to the provisions of sections 13-109 and 13-124 other than those detailed in section 13-107, the director of T&ES shall review the request for an exception and the water quality impact assessment and may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of this Article XIII if the director of T&ES finds that the applicant has demonstrated by a preponderance of the evidence that:

(1) Granting the exception will not confer upon the applicant any special privileges that are denied to other property owners in the CBPA overlay district;

(2) The exception is not based upon conditions or circumstances that are self-created or self-imposed, nor does the exception arise from conditions or circumstances either permitted or noncomplying that are related to adjacent parcels;

(3) The exception is the minimum necessary to afford relief;

(4) The exception will be consistent with the purpose and intent of the overlay district, and not injurious to water quality, the neighborhood or otherwise detrimental to the public welfare;

(5) Reasonable and appropriate conditions are imposed, as warranted, to prevent the allowed activity from causing degradation of water quality.

(C) Economic hardship alone is not sufficient reason to grant an exception from the requirements of this Article XIII.

(D) Under no circumstances shall the city allow an exception to the requirement that a qualified land-disturbing activity obtain the required construction general permit or other state permits.

(E) Under no circumstances shall the city allow the use of a BMP not found on the Virginia Stormwater BMP Clearinghouse website, or as applicable for projects subject to 9VAC25-870 Part II.C. Notwithstanding, this shall not preclude the director of T&ES from placing reasonable limitations on a BMP on the Virginia Stormwater BMP Clearinghouse website.

(F) Exceptions to the requirements for phosphorus reductions required under section 13-109(E)(4) and (5) will not be allowed unless off-site options available through 9VAC25-870-69 have been considered and found not available.

(G) Exceptions to section 13-107 shall be heard and determined by the planning commission after hearing and notice pursuant to

section 11-300. The schedule for reviewing the exception shall be made by the director of T&ES and the director of planning and zoning. The schedule shall provide, in a manner approved by the city manager, reasonable opportunity for review and action by the environmental policy commission prior to any formal action by the planning commission so that any recommendation of support, denial, or modification can be considered as part of the planning commission's deliberations.

(H) A record of all exceptions granted shall be maintained by the director of T&ES.

(I) Any person aggrieved by a decision of the director of T&ES or planning commission under this section may appeal as provided in section 13-120.

13-120 Appeals.

(A) Any person aggrieved by a final case decision of the director of T&ES in the administration, interpretation or enforcement of this Article XIII or on any application hereunder may appeal such decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds of appeal, with the secretary of the planning commission within 14 days of the issuance of such decision; provided, that any person aggrieved, who had no actual knowledge of the issuance of such decision, may file an appeal within 14 days of the last day on which notice provided in section 11-300 or section 11-408 of this ordinance is given for any element of the plan of development. A notice of appeal shall be accompanied by a filing fee of $100.00.

(B) The planning commission shall conduct a public hearing on any appeal filed pursuant to section 13-120(A), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the planning commission may affirm, reverse or modify the decision of the director of T&ES, or vacate the decision and remand the matter to the director of T&ES for further consideration.

(C) Any person aggrieved by a decision of the planning commission issued pursuant to section 13-119(D) or section 13-120(B), or the city manager, may appeal the decision to the city council, by filing a notice of appeal, in writing, stating the grounds of appeal, with the city clerk within 14 days of the issuance of the decision.

(D) The city council shall conduct a public hearing on any appeal filed pursuant to subsection (C), notice for which shall be provided in accordance with the applicable provisions of section 11-300 of this ordinance. Following the conclusion of the hearing, the council may affirm, reverse or modify the decision of the commission, or vacate the decision and remand the matter to the planning commission or the director of T&ES for further consideration.

(E) Notwithstanding the provisions of subsections (A) through (D) above, an applicant or any aggrieved party who elects to appeal shall appeal the director of T&ES's decision of approval or disapproval of a stormwater management plan application by filing a notice of appeal with the director of T&ES within 30 days after service of such decision. The filing of such notice, and proceedings thereafter, shall be governed by Part 2A of the Rules of the Supreme Court of Virginia, and judicial review shall be had in the Circuit Court of the City of Alexandria on the record previously established, and shall otherwise be in accordance with the Administrative Process Act, Virginia Code Sections 9-6.14:1 et seq.

13-121 Hearings.

(A) Any applicant, permittee, or person subject to this article aggrieved by any action of the city taken without a formal hearing, or by inaction of the city, may demand in writing a formal hearing by the planning commission, provided a petition requesting such hearing is filed with the director of T&ES within 30 days after notice of such action is given by the director of T&ES.

(B) The hearings held under this section shall be conducted by the planning commission at a regular or special meeting of the planning commission or by at least one member of the planning commission designated by the planning commission to conduct such hearings on behalf of the planning commission at any other time and place authorized by the planning commission.

(C) A verbatim record of the proceedings of such hearing shall be taken and filed with the planning commission. Depositions may be taken and read as in actions at law.

(D) The planning commission or its designated member, as the case may be, shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or testify or to produce documents shall be acted upon by

the city whose action may include the procurement of an order of enforcement from the circuit court. Witnesses who are subpoenaed shall receive the same fees and reimbursements for mileage as in civil actions.

13-122 Noncomplying land uses and structures.

(A) Any land use or structure lawfully existing on January 28, 1992, or any land use or structure that exists at the time of any amendment to this Article XIII that does not comply as a result of the amendment, shall be deemed noncomplying.

(B) Any proposed land use or structure for which an applicant has a an approved preliminary site plan, building permit, subdivision plan, plot plan, or special use permit on or before February 23, 2004 that would not comply under proposed amendments to Article XIII pursuant to the December 10, 2001 amendments to 9VAC10-20-10 et seq. may be constructed in accordance with the provisions of this Article XIII in effect at the time of submittal, except that the proposed land use or structure shall comply with any new requirements to the maximum extent practicable. Upon completion, the land use or structure shall be deemed noncomplying.

(C) Any application for a proposed land use or structure that is not exempt pursuant to (A) or (B) above shall comply with amendments to Article XIII adopted pursuant to the December 10, 2001 amendments to 9VAC10-20-10 et seq.

(D) Nothing in this Article XIII shall prevent the reconstruction of noncomplying structures destroyed by any casualty unless the reconstruction is otherwise restricted by this ordinance or other portions of the City Code. Such reconstruction shall occur within two years after the destruction or damage and there shall be no increase in the amount of impervious area and no further encroachment in the RPA, to the extent possible by sound engineering practices.

(E) Any noncomplying land use or structure may continue and be maintained, including renovation, remodeling, and other cosmetic alterations provided that the activity does not result in land disturbance and that there is no net increase in nonpoint source pollutant load.

(F) A request to enlarge or expand a principal noncomplying structure within an RPA buffer area may be approved by the director of T&ES through an administrative process provided that:

(a) The principal structure remains intact and the modification is compatible in bulk and scale to those in the surrounding

neighborhood area, as determined by the director of planning and zoning. If these criteria are not met, the modification shall be subject to the exception request process requirements of section 13-119.

(b) There will be no increase in nonpoint source pollution load.

(c) Any development or land disturbance exceeding and area of 2,500 square feet complies with section 5-4-1 et seq. of the City Code (erosion and sediment control).

(d) The director of T&ES finds that the request is consistent with the criteria provided in section 13-116(B).

(G) A request to construct or modify a non-attached noncomplying accessory structure, or a request to modify or expand a noncomplying land use (e.g., a parking area, boat storage area, active recreation fields, etc.), shall only be approved through the exceptions process outlined in section 13-119.

13-123 Exemptions.

(A) The following uses, which may involve structures, fill, flooding, draining, dredging, or excavating, shall be exempted from section 13-107, to the extent specifically enumerated in these regulations and not prohibited by any other provision of the City Code or applicable law and subject to the director of T&ES review and approval of design and construction plans for compliance with this Article XIII:

(1) Construction, installation, operation and maintenance of electric, natural gas, fiber-optic, and telephone lines, railroads and public roads constructed by VDOT or by or for the City of Alexandria in accordance with VDOT standards (built separately from development projects regulated under section 13-106), and their appurtenant structures. The exemption of public roads is further conditioned on the alignments being designed to prevent or otherwise minimize the encroachment in the RPA buffer and to minimize adverse effects on water quality.

(2) Construction, installation, and maintenance of water, sewer, natural gas, underground telecommunications and cable television lines owned or permitted by the City of Alexandria or a service authority shall be exempt from the requirements of section 13-107 provided that:

(a) To the degree possible, the location of such utilities and facilities shall be outside RPAs;

(b) No more land shall be disturbed than is necessary to provide for the proposed utility installation; and

(c) All such construction, installation, and maintenance of such utilities and facilities shall be in compliance with all applicable state and federal requirements and permits, and designed and conducted in a manner that protects water quality.

(B) Notwithstanding any other provisions of this article, the following uses, which may involve structures, fill, flooding, draining, dredging, or excavating, shall be exempt from this article:

(1) Land-disturbing activities less than 2,500 square feet not part of a larger common plan of development or sale, except as may be required in section 13-107 for CPBA;

(2) Land disturbances associated with permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted under the provisions of Title 45.1 of the Code of Virginia;

(3) Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of a project. The paving of existing road with a compacted or impervious surface and re-establishment of existing ditches and shoulders is deemed routine maintenance if performed in accordance with this subsection;

(4) Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the director of T&ES shall be advised of the disturbance within seven days of commencing the land-disturbing activity and compliance with this Article XIII shall be required within 30 days of commencing the land-disturbing activity;

(5) Land clearing for agricultural or silvicultural purposes, and related activities, in accordance with Section 62.1-44.15:34.C.2 of the Code of Virginia; and

(6) Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use.

(C) Discharges to a sanitary sewer or a combined sewer shall be exempt from section 13-113 (stormwater pollution prevention plan), section 13-116 (pollution prevention plan), and the require-

ment to obtain a VSMP construction general permit unless otherwise required by City Code or state or federal law . All other applicable portions of this article shall continue to apply.

(D) Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures are exempt from the water quality requirements of sections 109(E)(3) and (E)(4) except the Alexandria water quality volume default requirement in section 13-109(E)(5) still applies.

13-124 Time limits on applicability of design criteria and grandfathering.

(A) The time limits on applicability of design criteria shall apply provided:

(1) Land-disturbing activities that obtain an initial state permit or commence land disturbance prior to July 1, 2014 shall be conducted in accordance with the technical criteria in 9VAC-25-870-93 through 9VAC25-870-99. Such projects shall remain subject to these technical criteria for two additional state construction general permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(2) Land-disturbing activities that obtain an initial state construction general permit on or after July 1, 2014 shall be conducted in accordance with the technical criteria in sections 13-109(E) and (F), except for as provided in subsection (B) below, and shall remain subject to this technical criteria for two additional state permit cycles. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(3) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his/her discretion.

(B) Grandfathering provisions established in 9VAC25-870-48 shall apply to this article as applicable. Any land-disturbing activity shall be considered grandfathered by the VSMP authority and shall be subject to the technical criteria of 9VAC25-870-93 through 9VAC25-870-99, provided:

(1) A proffered or conditional zoning plan, zoning with a plan of development, preliminary or final subdivision plat, preliminary or final site plan, or any document determined by the

locality to be equivalent thereto (i) was approved by the locality prior to July 1, 2012, (ii) provided a layout as defined in 9VAC25-870-10, (iii) will comply with the technical criteria of 9VAC25-870-93 through 99, (iv) has not been subsequently modified or amended in a manner resulting in an increase in the amount of phosphorus leaving each point of discharge, and such that there is no increase in the volume or rate of runoff;

(2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(C) Locality, state and federal projects shall be considered grandfathered and shall be subject to the technical criteria in 9VAC25-870-93 through 9VAC25-870-99 provided:

(1) There has been an obligation of locality, state or federal funding, in whole or in part, prior to July 1, 2012, or the department has approved a stormwater management plan prior to July 1, 2012;

(2) A state permit has not been issued prior to July 1, 2014; and

(3) Land disturbance did not commence prior to July 1, 2014.

(D) Land-disturbing activities grandfathered under subsections (A) and (B) of this section shall remain subject to 9VAC25-870-93 through 99 technical criteria for one additional state permit cycle. After such time, portions of the project not under construction shall become subject to any new technical criteria adopted by the board.

(E) In cases where governmental bonding or public debt financing has been issued for a project prior to July 1, 2012, such project shall be subject to the technical criteria of 9VAC25-870-93 through 99.

(F) Nothing in this section shall preclude an operator from constructing to a more stringent standard at his discretion.

(G) However, these applicable land-disturbing activities are also subject to more stringent City criteria effective prior to July 1, 2014. This includes the definition of "site," treating the entire Alexandria water quality volume in section 13-109(E), the pre/post-development peak flow rate requirement for the ten-year 24-hour storm event in section 13-109(F)(2), the requirements in section 13-109(F)(3), and the requirements in section 13-109(F)(7).

13-125 Monitoring and inspections.

(A) The director of T&ES shall inspect the land-disturbing activity during construction for compliance with this Article XIII, including but not limited to compliance with the approved erosion and sediment control plan, compliance with the approved stormwater management plan, development, updating, and implementation of the pollution prevention plan, and development and implementation of any additional control measures necessary to address a TMDL.

(B) The director of T&ES may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this Article XIII.

(C) In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement or instrument, the director of T&ES may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the permit conditions associated with a land-disturbing activity when a permittee, after proper notice, has failed to take acceptable action within a time specified.

(D) Pursuant to Section 62.1-44.15:40 of the Code of Virginia, the director of T&ES may require every permit applicant or permittee, or any such person subject to the requirements of this Article XIII to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of the discharge on the quality of state waters, or such other information as may be necessary to accomplish the purpose of this Article XIII.

(E) Post-construction inspections of stormwater management facilities required by the provisions of this Article XIII shall be conducted by the director of T&ES pursuant to section 13-109(G).

13-126 Penalties.

(A) Under the authority of 9VAC25-870-116 the director of T&ES shall have the following authority to enforce provisions of this Article XIII required or authorized under Section 62.1-44.15:24 et seq. of the Code of Virginia (the Virginia Stormwater Management Act) and its attendant regulations:

(1) If the director determines that there is a failure to comply with the VSMP authority permit conditions or determines

there is an unauthorized discharge, notice shall be served upon the permittee or person responsible for carrying out the permit conditions by any of the following: verbal warnings and inspection reports, notices of corrective action, consent special orders, and notices to comply. Written notices shall be served by registered or certified mail to the address specified in the permit application or by delivery at the site of the development activities to the agent or employee supervising such activities.

(a) The notice shall specify the measures needed to comply with the permit conditions and shall specify the time within which such measures shall be completed. Upon failure to comply within the time specified, a stop work order may be issued in accordance with subsection (b) or the permit may be revoked by the director of T&ES.

(b) If a permittee fails to comply with a notice issued in accordance with this section within the time specified, the director of T&ES may issue an order requiring the owner, permittee, person responsible for carrying out an approved plan, or the person conducting the land-disturbing activities without an approved plan or required permit to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits are obtained, and specified corrective measures have been completed.

Such orders shall be issued in accordance with local procedures. Such orders shall become effective upon service on the person by certified mail, return receipt requested, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the director of T&ES. However, if the director of T&ES finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such

emergency order. If a person who has been issued an order is not complying with the terms thereof, the director of T&ES may institute a proceeding for an injunction, mandamus, or other appropriate remedy in accordance with subsection (3) below.

(2) In addition to any other remedy provided by this article, if the director of T&ES or his designee determines that there is a failure to comply with the provisions of this article, they may initiate such informal and/or formal administrative enforcement procedures in a manner that is consistent with local public facilities/engineering manuals and/or specific policy.

(3) Any person violating or failing, neglecting, or refusing to obey any rule, regulation, ordinance, order, approved standard or specification, or any permit condition issued by the director of T&ES may be compelled in a proceeding instituted in the appropriate local court by the locality to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

(4) Any person who violates any provision of this article or who fails, neglects, or refuses to comply with any order of the director of T&ES, shall be subject to a civil penalty not to exceed $32,500.00 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense.

(a) Violations for which a penalty may be imposed under this subsection shall include but not be limited to the following:

(i) No state permit registration;

(ii) No SWPPP;

(iii) Incomplete SWPPP;

(iv) SWPPP not available for review;

(v) No approved erosion and sediment control plan;

(vi) Failure to install stormwater BMPs or erosion and sediment controls;

(vii) Stormwater BMPs or erosion and sediment controls improperly installed or maintained;

(viii) Operational deficiencies;

(ix) Failure to conduct required inspections;

(x) Incomplete, improper, or missed inspections; and

(xi) Discharges not in compliance with the requirements of 4FAC50-60-1170 of the general permit.

(b) The director of T&ES may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court.

(c) In imposing a civil penalty pursuant to this subsection, the court may consider the degree of harm caused by the violation and also the economic benefit to the violator from noncompliance.

(d) Any civil penalties assessed by a court as a result of a summons issued by the city shall be paid into the treasury of the city and specifically placed into the Alexandria water quality improvement fund established in section 13-110 and used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the city and abating environmental pollution therein in such manner as the court may, by order, direct.

(5) Notwithstanding any other civil or equitable remedy provided by this section or by law, any person who willfully or negligently violates any provision of this article, any order of the director of T&ES, any condition of a permit, or any order of a court shall, be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months or a fine of not less than $2,500.00 nor more than $32,500.00, or both.

(B) Under the authority of Section 62.1-44.15:74 of the Code of Virginia the director of T&ES shall have the following authority to enforce provisions of this Article XIII required or authorized under Section 62.1-44.15:73 of the Code of Virginia (the Chesapeake Bay Preservation Act) and its attendant regulations:

(1) Any person who: (i) violates any provision of this ordinance or (ii) violates or fails, neglects, or refuses to obey any final notice, order, rule, regulation, or variance or permit condition authorized under this ordinance shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed $5,000.00 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the Alexandria water quality improvement fund for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court

may direct by order, except that where the violator is the city itself or its agent, the court shall direct the penalty to be paid into the state treasury.

(2) With the consent of any person who: (i) violates any provision of this ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any notice, order, rule, regulation, or variance or permit condition authorized under this ordinance, the city may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed $10,000.00 for each violation. Such civil charges shall be paid into the city water quality improvement fund for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is the city itself or its agent, the civil charges shall be paid into the state treasury. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (A) above. Civil charges may be in addition to the cost of any restoration required or ordered by the city.

(C) In addition to subsections (A) and (B) above, the director of T&ES shall have the enforcement provisions available in section 11-200 of this ordinance.

(Ord. No. 4865, § 1, 3-15-14; Ord. No. 4903, § 1, 10-18-14)

APPENDIX A ZONING MAP AMENDMENTS

This appendix lists the amendments to the zoning map subsequent to June 24, 1992.

Ordinance Number	Date	Property	From	To
3613	1-23-93	Map Parcel No. 74.02-11-15	RM	CD
3691	12-11-93	Map Parcel No. 49.00-05-40	RA	CG
3692	12-11-93	Map Parcel No. 47.00-02-07	CO	CRMU-M
3698	1-22-94	Map Parcel No. 54.04-12-02	RM	CL
		Map Parcel No. 58.00-03-02	CG	CSL
3824	10-14-95	Map Parcel Nos. 15.04-03-04 15.04-03-05 15.04-03-06 15.04-03-07 15.04-03-08 15.04-03-09	PC	CSL
3840	1-20-96	Map Parcel No. 64.01-13-16	RB	CL
3843	2-24-96	Map Parcel No. 44.02-02-1.01	UT	OCH
3859	4-13-96	Map Parcel No. 54.02-04-1	RB	OCM
3866	5-18-96	Map Parcel No. 81.03-03-01	W-1	W-1
3880	6-25-96	Map Parcel Nos. 72.00-04-05, 79.00-01-01	OCH	CDD-2
		Sketch Plan No. 96-0002	UT	OCM-100
		Map Parcel Nos. 74.03-01-03, 74.03-02-01, 74.04-03-03	OC	CRMU-L
3918	3-15-97	Map Parcel Nos. 64.01-6-21, 64.01-6-22, 64.01-6-23	CL	RB
3951	9-13-97	Map Parcel Nos. 32.00-09-04, 32.00-09-06	R-20	RA
3957	10-25-97	Map Parcel No. 64-04-02-21	RM	CD
3971	12-13-97	Map Parcel Nos. 48.00-05-05, 48.00-05-07	POS	CG
4046	5-15-99	Map Parcel No. 59.04-02-40	UT	I
4047	5-15-99	Map Parcel No. 74.02-17-04	RM	POS
4052	6-12-99	Map Parcel No. 70.00-02-03	POS	I
4053	6-12-99	Map Parcel No. 70.00-02-03	OCM	POS
4071	9-18-99	Map Parcel No. 64.04-01-07	RB	CL

Ordi-nance Number	Date	Property	From	To
4087	11-13-99	Map Parcel Nos. 73.02-08-09, 73.02-08-08,(part) 73.04-02-03 (part)	OCM	OCH
4088	11-13-99	Map Parcel No. 64.01-13-22	CL	RB
4099	12-18-99	Map Parcel No. 02.00-01-28	R-20	I
		Map Parcel No. 02.22-01-29	R-12	I
4122	4-15-00	Map Parcel No. 64.04-12-01	RM	RH
4123	4-15-00	Map Parcel No. 64.04-12-01	RB	RC
4124	4-15-00	Map Parcel Nos. 61.04-03-01, 61.04-03-02	CG	CG
4156	9-16-00	Map Parcel No. 60.02-05-03	RB	RB
4157	9-16-00	Map Parcel No. 53.04-08-35	POS	CL
4186	2-24-01	Zoning Map and Tax Map Parcels Nos. 53.04-14-02, 53.04-14-03, 53.04-14-04 and 53.04-14-05	R-2-5	RB
4235	1-26-02	a portion of Zoning Map and Tax Map Parcels No. 32.00-02-10	R-8	CSL
4244	3-16-02	Zoning Map and Tax Map Parcels No. 39.00-04-11	R-12	R-8
4254	5-18-02	Zoning Map and Tax Map Parcels No. 16.01-03-12, 16.01-03-13, 16.01-03-14 and 16.01-03-15	RB/CSL	CRMU-M
4262	6-25-02	Zoning Map and Tax Map Parcels No. 34.02-02-03	R-2-5	CL
4288	1-25-03	Tax Map and Zoning Map Parcel No. 64.02-10-44	RM	CRMU-X
4294	4-12-03	Tax Map No. 072.00-02-16	CDD-1	CDD-2
		Tax Map No. 072.00-02-18	CDD-1	CDD-2
		Tax Map No. 073.03-01-01	OCM(100)	CDD-2
		Tax Map No. 073.03-01-02	OCM(100)	CDD-2
		Tax Map No. 073.03-01-03	OCM(100)	CDD-2
		Tax Map No. 078.00-01-05	OCM(100)	CDD-2
		Tax Map No. 079.00-01-01	CDD-2	CDD-11
		Tax Map No. 079.00-01-09	OCM(100)	CDD-11
		Tax Map No. 079.00-01-11	OCM(100)	CDD-11
		Tax Map No. 079.00-01-12	OCM(100)	CDD-11
		Tax Map No. 079.00-01-13	OCM(100)	CDD-11
		Tax Map No. 079.00-01-15	OCM(100)	CDD-11

Ordinance Number	Date	Property	From	To
		Tax Map No. 079.00-01-16	CDD-1	CDD-11
		Tax Map No. 079.00-01-17.L1	OCM(100)	CDD-11
		Tax Map No. 079.00-01-17.L2	OCM(100)	CDD-11
		Tax Map No. 079.00-01-17.L4	OCM(100)	CDD-11
4310	6-14-03	Tax Map No. 7.00-01-02	CL	NR
		7.00-02-13, 14, 15, 16	CL	NR
		7.00-02-17	CL	NR
		7.00-02-18	CL	NR
		7.00-02-20	CL	NR
		7.00-02-19, 21, 22	CL	NR
		7.00-08-01, 02	CL	NR
		7.00-08-03	CL	NR
		7.00-08-05, 06	CL	NR
		7.00-09-01, 02, 09, 10, 11	CDD#6	CDD#6 as amended
		7.00-09-07	CDD#6	CDD#6 as amended
		7.00-09-08	CDD#6	CDD#6 as amended
		7.00-09-06	CDD#6	CDD#6 as amended
		7.00-09-05	CDD#6	CDD#6 as amended
		7.00-08-07, 08	CL	NR
		7.00-08-09	CL	NR
		7.00-08-10	CL	NR
		7.00-08-11	CL	CDD#12
		15.01-04-03, 04	CD	CDD#12
		15.01-04-05	CG	CDD#12
		15.01-04-06	CG	CDD#12
		15.01-04-07	CG	CDD#12
		15.01-04-08	CG	CDD#12
		15.01-04-09	CG	CDD#12
		15.01-05-01, 16, 17	CDD#6	CDD#6 as amended
		15.01-05-12, 13	CG	NR
		15.01-08-06	CG	NR
		15.01-08-08	CG	NR

Ordi-nance Number	Date	Property	From	To
		15.01-04-10	CG	CDD#12
4322	12-16-03	Tax Map Parcel No. 6.01-02-02	UT	RB
4324	1-24-04	Tax Map Parcel No. 31.00-02-05	POS	R-12
4326	1-24-04	Tax Map Parcel Nos. 61.01-02-19, 61.01-02-20, 61.01-02-21, 61.01-02-22, 61.01-02-23 and 61.01-02-24	R-8	RB
4375	1-25-05	Tax Map and Zoning Map Parcel No. 74.01-11-32	CD	CRMU-L
4399	5-14-05			Retail Focus Area CDD#13 CDD#14
4413	6-21-05			Urban Retail Zone
4414	6-21-05			Outdoor Dining Overlay Zone
4427	10-15-05	Proposed rezoning 2005-0004 Hunting Creek Area Plan	RC, OCM(50) OCM(50)	UT RC
4430	11-12-05	800—820 Slaters Land (Diamond-Slaters Lane)	CSL	RC
4431	11-12-05	Tax Map and Zoning Map Parcel Nos. 44.02-02-05 and 44.02-02-06	CSL	RC
4452	5- 2-06	1500 and 1600 blocks of King Street		Old and Historic Alexandria District
4527	4-21-08	Sheets 44.03 and 54.01	CRMU-H and OCM-50	CDD No. 15
4575	12-13-08	Sheets 054.02-09-01, 054.02-10-01, 054.02-11-01, 054.04-01-01 and 054.04-07-01	RB	CDD No. 16

Ordinance Number	Date	Property	From	To
4579	2-21-09	Tax Map and Zoning Map Parcel Nos. 067.02-02-05, 067.02-02-06 and 067.02-02-07	I and CG	CDD
4580	2-21-09	Sheets 067.02-02-05, 067.02-02-06 and 067.02-02-07	CG	CDD No. 17
4678	6-22-10	North Patomac Yard	CDD No. 10	CDD No. 19
4686	11-13-10	3110 Mount Vernon Avenue	CRMU-M/ with Proffer	CRMU-M
4732	6-28-11	717, 719, 723, 735 N. St. Asaph Street and 716 N. Pitt Street	CD	CDD No. 20
4754	2-25-12	3526 King Street	CG	OC with Proffer
4769	6-26-12	100 South Pickett Street	CG	CRMU-M with Proffers
4789	2-23-13	1501 Cameron Street	POS	RB
4793	2-23-13	114, 116, 116½, 118, 118½, 120 East Reed Avenue and 3600 Jefferson Davis Highway	CDD	CRMU-M
4813	6-15-13	5066, 5105, 5106, 5115, 5118, 5121 and 5129 Fairbanks Avenue; 2638, 2641, 2648, 2658, 2627, 2623 and 2618 Foster Avenue; 5055, 5165, 5173 and 5183 Seminary Road; 5501, 5600, 5711 and 5900A Sanger Avenue; 5650 Rayburn Avenue; and 1250, 1350, 1460, 1500, 1600, 1700, 1800, 1900 and 2000 North Beauregard Street	CDD 4, RC and R-12	CDD 21
		4800 and 4801 Kenmore Avenue	RA	CDD 22
4815	6-15-13	34A and 36 South Reynolds Street	CG	RC
4821	6-25-13	5815 Duke Street	CR	CRMU/M
4851	1-25-14	800 and 820 Slaters Lane	RC with Proffer	RC with Proffer
4861	3-15-14	509 North St. Asaph Street	RM/Townhouse	CRMU/X with Proffer

Ordinance Number	Date	Property	From	To
4892	6-14-14	430 and 450 South Pickett Street	CSL	CDD #17a
4895	6-24-14	206, 208, 210 and 212 South Patrick Street	CL	RM
4911	11-15-14	329 North Washington Street	RM/Townhouse	CD/Commercial Downtown with Proffer
4914	12-13-14	100 South Pickett Street	CRMU-M with Proffer	CRMU-M with amended Proffer
4915	12-13-14	1323 Wilkes Street	RB/Townhouse	CRMU-L with Proffer
4927	2-21-15	5000 and 5001 Echols Avenue	R-12	CRMU-M
4929	2-21-15	4800 Fillmore Avenue	RC and RA	CDD #23
4936	4-18-15	2805, 2807, 2807A and 2809 King Street	R-8 Single-Family	RB/Townhouse with proffers
4939	4-18-15	513 North Washington Street	RM/Townhouse	OC/Office Commercial with proffers
4940	4-18-15	1101 Janney's Lane	R-12 Single-Family	R-8 Single-Family
4942	4-18-15	200 Strand Street	W-1 Waterfront Mixed Use	WPR/W Waterfront Parks and Recreation with proffers
4943	4-18-15	510 North Quaker Lane	R-20 Single-Family	R-20 Single-Family with 100-year old building designation

Ordinance Number	Date	Property	From	To
4974	11-14-15	601, 607 and 611 North Henry Street	CSL/Commercial Service Low	CRMU-L/Commercial Residential Mixed Use Low
4979	12-12-15	4530, 4600, 4600B, 4600D and 4622 King Street and 3451 North Beauregard Street	OCM(100)/Office Commercial Medium with Proffer	CRMU-H/Commercial Residential Mixed Use High
4999	4-16-16	2000, 2100, 2200, 2316, 2320, 2412, 2514, 2610, 2700, 2706, 2800, 2920, 3000, 3006, 3014, 3100—3104, 3216, 3300, 3314, 3400 Jefferson Davis Highway; 400, 405 Fannon Street; 2500 Oakville Street; 300, 403, 405, 420 Swann Ave; 300, 304, 308, 312, 400, 410,420 434, 446 Calvert Avenue; 415—418 E Raymond; 413, 415, 416—418, 420, 426—430 Hume Avenue (2900 Jefferson Davis Highway); 414, 417, 419—421, 423 Clifford; 401, 405, 406, 408—410, 412, 415 E Glebe; 522 E Mt Ida Avenue; 519 E Howell Avenue; and 516, 518 E Bellefonte Avenue	CSL/Commercial Service Low, I/Industrial, R2-5/Residential	CDD #24/Coordinated Development District #24
5012	5-14-16	699 North Patrick Street	RB/Townhouse	CRMU-M/Commercial Residential Mixed Use (Medium)

Ordinance Number	Date	Property	From	To
5015	5-14-16	530 First Street and 901 North St. Asaph Street	CG/Commercial General	CDD #25/ Coordinated Development District #25
5032	6-28-16	2501, 2504 and 2901 Potomac Avenue, 1702 and 1880 Potomac Greens Drive, 700 Carpenter Road	CDD #10/ Coordinated Development District 10	UT/Utilities and Transportation with Proffer

TABLE OF AMENDMENTS

This table shows the location within this volume of amendments to the Alexandria Zoning Ordinance, Ordinance No. 3591. Such amendments are also indicated in parentheses following particular section affected.

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3604	12-12-92	1		5-602(A)(10)
3606	12-12-92	1		2-118
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		3		2-174
		4	Rpld	4-1202(I)
		5		4-1203
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		7		5-506(B), (C)
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		9		5-509(B), (C)
10	7-202(B)(5)			
		11		7-1500
3609	12-12-92	1		11-1500—11-1505
				11-1600—11-1602
3610	12-12-92	1	Rpld	13-103(H)
		2		13-103(V)
		3		13-105(B)(4)
		4		13-106(A)(note)
		5		13-107(C)(1)
		6		13-109(A)(6)—(8)
		7		13-109(B)(3)(a)
		8		13-111(A)(2)(h), (i)
		9		13-115(A)(6)
		10		13-117(G)
		11, 12		13-118(C), (D)
		13		13-121(E)
		14		13-123(G)
3612	1-23-93	1		4-102(N)
				4-202(M)
				4-302(M)
				4-402(N)
				4-502(P)
				4-602(N)
				4-702(I)
				4-802(N)
				4-902(N)
				4-1002(N)
				4-1202(BB)
				4-1102(J)
				5-102(J)

Ordinance Number	Adoption Date	Ordinance Section	Disposition
			5-202(J)
			5-302(J)
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			5-307
		3	5-503.1
		4	6-105.1
		5	6-203.1
3614	2- 9-93	1—5	Adopting Ordinance, p. vii
3616	2-20-93	1	11-419(C)
3620	3-20-93	1	8-100
		2	8-200(F)(3)
3621	4-17-93	1	12-213
3629	5-15-93	1	4-102(A)—(A.2)
			4-202(A)—(A.2)
			4-302(A)—(A.2)
			4-402(A)—(A.2)
			4-602(A)—(A.2)
			4-802(A)—(A.2)
			4-902(A)—(A.2)
			4-1002(A)—(A.2)
			4-1102(A)—(A.2)
			5-102(A)—(A.2)
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			5-502(A)—(A.2)
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			4-205(B), (C)
			4-305(B), (C)
			4-405(B), (C)
			4-605(B), (C)
			4-805(B), (C)
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			4-1005(E)—(G)
			4-1105(E)—(G)
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			4-806(A)(2), (3)
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			4-1005(A)(1)–(3)
			4-1105(A)(1)–(3)
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			5-211(C), (D)
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			5-404(B)(3)
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		5	4-502(A)–(A.2)
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		8	4-507(E)
3642	6-12-93	1	7-1500(D), (E)
3643	6-12-93	1	5-602(A)(3)
3647	6-22-93	1	3-1106(B)
3648	6-22-93	1	10-104(F)(1)
		2	10-204(F)(1)
3650	6-22-93	1	8-200(A)(1)
		2	8-200(F)(5)
3653	6-22-93	1	7-1201, 7-1202
3654	6-30-93	1	2-197.1
		2	6-106(A)
3673	10-16-93	1	2-138
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3674	10-16-93	1	4-702(E.1)
3675	10-16-93	1	11-506(C)
3677	10-26-93	1	9-201(C)(4)
3689	12-11-93	1	6-403(B)(3)
3690	12-11-93	1	9-105(F)
3697	1-22-94	1	4-606(B)(1)
		2	4-1202(V.1)

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		3		4-1203(C), (R.1)
		4	Added	7-202(A)(7), (8)
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		5		9-105(E)
		6		9-202(E)
		7		12-302(F)(3)
3699	1-22-94	1		5-602(A)(2)
3706	2-12-94	1		5-602(A)(2)
3708	2-22-94	1–5		Adopting ordinance, Supp. No. 1
3711	3-19-94	1		11-509
		2		11-511
3712	3-19-94	1		11-506(C)(1)
3713	3-19-94	1		3-1107
		2	Rpld	4-507(E)
		3		8-100(A)(5)
		4		8-200(A)(1)
		5		8-200(C)(5), (6)
3717	4-16-94	1		9-105(F)
3720	5-10-94	1–5		Adopting ordinance, Supp. No. 2
3741	6-18-94	1		4-303(o.1)
		2		2-163.1
		3		9-301(E)
3746	6-28-94	1		1-400(B)(3)
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3749	9-13-94	1–5		Adopting ordinance, Supp. No. 3
3753	9-27-94	1		4-103(J.1)
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3807	6-17-95	1	4-508
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3822	9-16-95	1	3-706(A)
		2	3-1106(A)
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3825	10-14-95	1	4-1203(A.1)
3837	11-18-95	1	5-602(A)(10)
3840	1-20-96		App.A
3841	1-20-96	1	2-154
		2	4-103(J.2) 4-203(N.2) 4-303(S.2) 4-403(V.2) 4-503(T.2) 4-603(R.2)

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3844	2-24-96	1	7-1202
3845	2-24-96	1	2-121.1, 2-131.1, 2-169.1, 2-176.1, 2-181.1—2-181.3, 2-183.1, 2-196.1 2-197.2 11-207(A)(12) 11-1506(A), (B) 11-1701—11-1714
3847	2-27-96	1	3-606(A.1), 3-803(J)(4.1), 3-903(K)(4.1)
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			4-502(H.1)
			4-602(F.1)
			4-802(G.1)
			4-902(G.1)
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		4	5-607(A)
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3946	6-24-97	1	2-173
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3968	12-13-97	1	5-406(B)
3969	12-13-97	1	3-505(A)
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3980	3-14-98	1	5-303(I.1)
		2	5-308(B)
3982	3-14-98	1	11-410(CC)
3987	4-18-98	1	5-602(A)(2)
3990	4-18-98	1	13-117(B)
3991	4-18-98		10-315(I)
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4019	9-12-98	1		11-402
4022	10-17-98	1		12-302(J)
4025	11-14-98	1		7-1800
4027	11-14-98	1		7-1600(D)
4031	12-12-98	1		5-602(A)
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4046	5-15-99	1		App. A
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		2		2-133.1
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4073	9-28-99	1—5		Adopting ordinance, Supp. No. 19

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4087	11-13-99	1		App. A
4088	11-13-99	1		App. A
4095	12-14-99	1—5		Adopting ordinance, Supp. No. 20
4099	12-18-99	1(a), (b)		App. A
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		3	Added	4-1008
		4		4-1102(A), (A.1), (A.2), (B)
		5	Added	4-1103(A.1)
		6	Added	4-1107
4109	3-14-00	1—5		Adopting ordinance, Supp. No. 21
4119	4-15-00	1, 2		2-180
4120	4-15-00	1		1-400
4121	4-15-00	1		3-1108(D)
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4123	4-15-00	1		App. A
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4129	4-15-00	1		12-600(B)(5)
4150	9-12-00	1—5		Adopting ordinance, Supp. No. 22
4155	9-16-00	1		6-105(I)
4156	9-16-00	1		App. A
4157	9-16-00	1		App. A
4175	11-28-00	1		10-105(A)(3)
4178	12-16-00	1		2-143
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4186	2-24-01			App. A
4193	3-27-01	1—5		Adopting ordinance, Supp. No. 24
4205	6-12-01	1—5		Adopting ordinance, Supp. No. 25

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4236	2-12-02	1—5		Adopting Ordinance, Supp. No. 27
4244	3-16-02	1		App. A.
4247	4-23-02	1—5		Adopting Ordinance, Supp. No. 28
4254	5-18-02	1		App. A.
4262	6-25-02	1		App. A
4265	9-10-02	1—5		Adopting Ordinance, Supp. No. 29
4271	10-19-02	1		11-302
4272	10-19-02	1	Added	2-187.1
		2	Added	6-105(J)
4273	10-19-02	1	Added	12-102(D)
4274	11-12-02	1—5		Adopting Ordinance, Supp. No. 30
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4282	11-16-02	1		7-1800
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4290	2-11-03	1—5		Adopting Ordinance, Supp. No. 31
4294	4-12-03	1		App. A
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		5	Added	4-1400
4316	10-14-03	1—5		Adopting Ordinance, Supp. No. 33
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4326	1-24-04			App. A
4327	1-24-04	1	Added	7-2100
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		4	Added	7-2000
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4337	2-21-04	1		12-215
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4354	6-12-04	1		6-300
4355	6-12-04	1	Added	9-108
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4356	6-12-04	1		11-207
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4366	12-18-04	1, 2	Added	12-216
4370	12-18-04	1, 2	Added	5-610
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4399	5-14-05	1—3		App. A
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4414	6-21-05	1		App. A
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4419	6-28-05	1—5		Adopting Ordinance, Supp. No. 37
4427	10-15-05	1		App. A
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4430	11-12-05	1		App. A
4431	11-12-05	1		App. A
4436	2-14-06	1—5		Adopting Ordinance, Supp. No. 39
4441	4-22-06	1		5-605
4442	4-22-06	1	Added	5-611
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4443	4-22-06	1	Rpld	13-100—13-120
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4457	6-27-06	1		7-1002
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4459	9-12-06	1—5		Adopting Ordinance, Supp. No. 40
4472	1-20-07	1		7-1002
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4514	1-12-08	1		7-1000(note)
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4521	3-15-08	1		6-800—6-807
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4565	11-19-08	1—5		Adopting Ordinance, Supp. No. 47
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