

ORDINANCE NO. 3606

AN ORDINANCE to amend and reordain Sections 2-118 (AUTOMOBILE AND TRAILER RENTAL OR SALES AREA), 2-143 (FAMILY), 2-174 (MEDICAL CARE FACILITY) under Section 2-100 (DEFINITIONS) of Article II (DEFINITIONS), Sections 4-1202 (PERMITTED USES) and 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), Sections 5-505 (FRONTAGE), 5-506 (YARD REQUIREMENTS), 5-508 (OPEN AND USABLE SPACE) and 5-509 (GROUND FLOOR OCCUPANCY REGULATIONS) under Section 5-500 (W-1/WATERFRONT MIXED USE ZONE) of Article V (MIXED USE ZONES), and Section 7-202 (PERMITTED OBSTRUCTIONS) under Section 7-200 (PERMITTED STRUCTURES IN REQUIRED YARDS) and Section 7-1500 (OUTDOOR DISPLAY OR STORAGE OF GOODS OR MERCHANDISE) of Article VII (SUPPLEMENTAL ZONE REGULATIONS), all of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-118 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Section 2-118 Automobile 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.

Section 2. That Section 2-143 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new subsection (E) to read as follows:

(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.

Section 3. That Section 2-174 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

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.

Section 4. That subsection (I) of Section 4-1202 of the City of Alexandria Zoning Ordinance be, and the same hereby is, repealed, and the subsection heading lettered (I) is reserved.

Section 5. That Section 4-1203 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new subsection (G.1) to read as follows:

(G.1) fuel yard

Section 6. That Section 5-505 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Section 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 1452 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 interior 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.

Section 7. That subsections (B) and (C) of Section 5-506 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended to read as follows:

(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.

Section 8. That Section 5-508 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Section 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.

Section 9. That subsections (B) and (C) of Section 5-509 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended to reads as follows:

(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.

Section 10. That paragraph (5) of Section 7-202(B) of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

(5) Free standing air conditioning machinery, provided it can be demonstrated to the director that it will not exceed a noise level of 55 decibels (55dB(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.

Section 11. That Section 7-1500 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Section 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.

Section 12. That Sections 2-118, 2-143, 2-174, 4-1202, 4-1203, 5-505, 5-506, 5-508, 5-509, 17-202 and 7-1500 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 13. That this ordinance shall become effective upon the date and at the time of its final passage, and shall apply to all applications for land use or land development approval provided for under the City of Alexandria Zoning Ordinance which on such date are pending before any city

department, agency or board, or before city council, or are on judicial review, and to all such applications which may be filed after such date.

PATRICIA S. TICER
Mayor

Final Passage: December 12, 1992