

ORDINANCE NO. 3621

AN ORDINANCE to add a new Section 12-213 (ABATEMENT OF CERTAIN HOME OCCUPATION USES) to Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-213 to read as follows:

Sec. 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.

Section 2. 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 on judicial review, and to all such applications which may be filed after such date.

PATRICIA S. TICER
Mayor

Final Passage: April 17, 1993