

ORDINANCE NO. 4049

AN ORDINANCE to amend and reordain Section 2-126 (BUSINESS AND PROFESSIONAL OFFICE) under Section 2-100 (DEFINITIONS), of Article II (DEFINITIONS), and to further amend and reordain said Section 2-200 and Article II by adding thereto a new Section 2-133.1 (DAY LABOR AGENCY); to amend and reordain Section 4-103 (SPECIAL USES) under Section 4-100 (CL/COMMERCIAL LOW ZONE), Section 4-303 (SPECIAL USES) under Section 4-300 (CSL/COMMERCIAL SERVICE LOW ZONE), Section 4-403 (SPECIAL USES) under Section 4-400 (CG/COMMERCIAL GENERAL ZONE), Section 4-503 (SPECIAL USES) under Section 4-500 (CD/COMMERCIAL DOWNTOWN ZONE), Section 4-603 (SPECIAL USES) under Section 4-600 (CD-X/COMMERCIAL DOWNTOWN ZONE-OLD TOWN NORTH ZONE), Section 4-803 (SPECIAL USES) under Section 4-800 (OC/OFFICE COMMERCIAL ZONE), Section 4-903 (SPECIAL USES) under Section 4-900 (OCM(50)/OFFICE COMMERCIAL MEDIUM (50) ZONE), Section 4-1003 (SPECIAL USES) under Section 4-1000 (OCM(100)/OFFICE COMMERCIAL MEDIUM (100) ZONE), Section 4-1103 (SPECIAL USES) under Section 4-1100 (OCH/OFFICE COMMERCIAL HIGH ZONE) and Section 4-1203 (SPECIAL USES) under Section 4-1200 (I/INDUSTRIAL ZONE), all of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); and to amend and reordain Section 12-200 (NONCONFORMING USES) of Article XXII (NONCOMPLIANCE AND NONCONFORMITY) by adding thereto a new Section 12-215 (ABATEMENT OF DAY LABOR AGENCIES), all of the City of Alexandria Zoning Ordinance (TA NO. 99-0001).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-126 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

Sec. 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.

Section 2. That Section 2-100 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 2-133.1, to read as follows:

Sec. 2-133.1 Day labor agency. A place where arrangements for short term employment are made characterized by the gathering of employees who are hired typically for a one-day period. Employers often transport the employees to the work site and return them to the day labor agency.

Section 3. That Section 4-103, Section 4-303, Section 4-403, Section 4-503, Section 4-603, Section 4-803, Section 4-903, Section 4-1003, Section 4-1103 and Section 4-1203 of the City of Alexandria Zoning Ordinance be, and the same hereby are, amended by adding thereto a new subsection, the appropriate subsection letter heading of which is to be assigned by the city attorney in preparing the codification of this ordinance, to read as follows:

(_) Day labor agency.

Section 4. That Section 12-200 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended by adding thereto a new Section 12-215, to read as follows:

Sec. 12-200 Nonconforming uses.

12-215 Abatement of day labor agencies. Any day labor agency in existence on February 2, 1999, for which a special use permit has not been granted shall be deemed a nonconforming use and shall be discontinued no later than the date 18 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 that was in existence on February 2, 1999, 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 obtain a special use permit approval prior to the expiration of 18 months from the date of the notice.
- (B) No later than the expiration of the applicable 18 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 February 2, 1999, cannot be obtained prior to the expiration of the 18 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 18 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 February 2, 1999, in which case council shall extend the date to a time which it determines will provide such opportunity to the petitioner.

Section 5. That Section 2-100, Section 4-103, Section 4-303, Section 4-403, Section 4-503, Section 4-603, Section 4-803, Section 4-903, Section 4-1003, Section 4-1103, Section 4-1203 and Section 12-200 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 6. That this ordinance shall become effective upon the date at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which are on such date pending before any city department, agency or board, or before city council, or on judicial review; shall apply to all such applications which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

KERRY J. DONLEY
Mayor

Introduction:	05/11/99
First Reading:	05/11/99
Publication:	05/12/99; 05/13/99
Public Hearing:	05/15/99
Second Reading:	05/15/99
Final Passage:	05/15/99