

ORDINANCE NO. 4712

AN ORDINANCE to amend Section 2-100 (DEFINITIONS) of Article II (DEFINITIONS), Section 4-1400 (NR/NEIGHBORHOOD RETAIL ZONE (ARLANDRIA)) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), and Section 6-600 (MT VERNON AVENUE URBAN OVERLAY ZONE) of Article IV (SPECIAL AND OVERLAY ZONES), all of the City of Alexandria Zoning Ordinance, to clarify that check cashing, payday loan and pawnshop businesses are not permitted in the Neighborhood Retail (Arlandria) and the Mount Vernon Avenue Urban overlay zones and to add title loan companies to the list of prohibited uses in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2011-0003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2011-0003, the planning commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on February 1, 2011 of a text amendment to the Zoning Ordinance to clarify that check cashing, payday loan, and pawnshop businesses are prohibited in the NR and the Mt. Vernon Overlay Zones and to add title loan companies in the list of prohibited uses, which recommendation was approved by the City Council at public hearing on February 12, 2011;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 2-100 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

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.

2-197.3 Title loan business. A business regulated by section 6.2-2200 et seq. of the Virginia Code.

2-127.1 Check cashing business. A business regulated by Section ~~6.1-432~~ 6.2-2100 et seq. of the Virginia Code.

2-182.1 Payday loan business. A business regulated by section ~~6.1-444~~ 6.2-1800 et seq. of the Virginia Code.

Section 2. That Section 4-1400 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

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.

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.

Section 3. That Section 6-600 of the Zoning Ordinance be, and the same hereby is, amended by deleting and inserting new language, as shown:

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.

Section 4. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 5. That Section 2-100 4-1400, and 6-600, as amended pursuant to Sections 1, 2 and 3 of 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 on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

WILLIAM D. EUILLE
Mayor

Final Passage: March 12, 2011