

ORDINANCE NO. 4910

AN ORDINANCE to amend and reordain Section 4-603 (Special Use) of Section 4-600 (CD-X(Commercial Downtown Zone (Old Town North), Sections 4-702.1 (Administrative Uses) and 4-703 (Special Uses) of Section 4-700 (CR/Commercial Regional Zone) and Section 4-1403.1 (Administrative Uses) of Section 4-1400 (NR/Neighborhood Retail Zone(Arlandria)) all of Article IV (Commercial, Office, and Industrial Zones); Section 5-404 (Regulations for single-family, two-family and townhouse development) of Section 5-400 (CRMU-X/Commercial residential mixed use (Old Town North) zone) and Section 5-505 (Density and lot requirements) of Section 5-500 (W-1/Waterfront mixed use zone) both of Article V (Mixed Use Zones); Section 6-702 (Uses) of Section 6-700 (KR/King Street Urban Retail Zone) of Article VI (Special and Overlay Zones); Section 7-202(Permitted Obstructions) of Section 7-200 (Permitted structures in required yards) of Article VII (Supplemental Zone Regulations); Section 8-200(General Parking Regulations) of Article VIII (Off-Street Parking and Loading); and Section 11-704 (Application of TMP program to development; required participation) of Section 11-700 (Transportation management special use permits) and Section 11-1004 (Powers and Duties) of Section 11-1000 (Board of zoning appeals) both of Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment to address certain technical corrections in the zoning ordinance heretofore approved by city council on October 18, 2014 as Text Amendment No. 2014-0006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2014-0006, 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 October 7, 2014 of a text amendment to the Zoning Ordinance to make technical corrections to the language of various sections of Zoning Ordinance, which recommendation was approved by the City Council at public hearing on October 18, 2014;
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 Article IV of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 4-600 CD-X/Commercial downtown zone (Old Town North).

4-603 Special uses.

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Bakery 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(D.2);**
- (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;
- (R.3) Overnight pet boarding, other than pursuant to section 4-602.1;
- (S) Private school, commercial or 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.

Sec. 4-700 CR/Commercial regional zone.

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) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;

- (E) Outdoor dining;
- (F) Overnight pet boarding if located in a shopping center;
- (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) Automobile service station;~~
- (A.1) Bakery 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) Overnight pet boarding, other than pursuant to section 4-702.1

Sec. 4-1400 NR/Neighborhood retail zone (Arlandria).

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) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Overnight pet boarding located in a shopping center;
- (E) Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining;
- (H) Live Theater.**

Section 2. That Article V of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 5-400 CRMU-X/Commercial residential mixed use (Old Town North) zone.

5-404 Regulations for single-family, two-family and townhouse development.

(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 ~~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.

Sec. 5-500 W-1/Waterfront mixed use zone.

5-505 Density and lot requirements.

(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~~ 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.

Section 3. That Article VI of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 6-700 KR/King Street Urban Retail Zone

6-702 Uses.

(A) Ground floor uses

- (1) Permitted uses.
 - (a) 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) Pet supplies, grooming/training with no overnight accommodations;
 - (e) Retail shopping establishment, ~~less than~~ 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) Bakery, 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;
 - (j) Public building;
 - (k) Restaurant;
 - (l) Retail shopping establishment, over 10,000 square feet in size.

Section 4. That Article VII of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 7-200 Permitted structures in required yards.

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:

- (9) Porticos, provided that they do not extend more than six feet from the main building wall, do not extend more than ~~and~~ nine feet in length, which dimensions include any roof overhang, and provided further that they remain open.

Section 5. That Article VIII of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

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.

(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) |
| <u>10,000</u> | <u>50,000</u> | <u>1 space per 5,000 square feet (or one space per floor, whichever is greater)</u> |
| 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.

Section 6. That Article XI of the Zoning Ordinance be, and the same hereby is, amended by deleting the language in strikethrough and inserting new language in underline, as shown:

Sec. 11-700 Transportation management special use permits.

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 ~~74,000~~ 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.

Sec. 11-1000 Board of zoning appeals.

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 ~~11-1100~~ 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 ~~11-1200~~ 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.

Section 7. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 8. That Articles IV, V, VI, VII, VIII and XI as amended pursuant to Section 1-6 of this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 9. 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: November 15, 2014