EXHIBIT NO. 1

15
2-10-04

Introduction and first reading:	2/10/04
Public hearing:	2/21/04
Second reading and enactment:	2/21/04

INFORMATION ON PROPOSED ORDINANCE

Title

AN ORDINANCE to amend and reordain Section 12-215(ABATEMENT OF DAY LABOR AGENCIES) under Section 12-200 (NONCONFORMING USES), of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance (TA No. 2003-0006).

Summary

The proposed ordinance reduces the abatement period for nonconforming day labor agencies from 18 months to 12 months, as approved by Text Amendment No. 2003-0006.

Sponsor

Department of Planning and Zoning

Staff

Eileen Fogarty, Director of Planning and Zoning
Ignacio B. Pessoa, City Attorney

Authority

§§ 2.04(w), 9.12, Alexandria City Charter
§ 11-800, City of Alexandria Zoning Ordinance

Estimated Costs of Implementation

None

Attachments in Addition to Proposed Ordinance

None

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Section 12-215(ABATEMENT OF DAY LABOR AGENCIES) under Section 12-200 (NONCONFORMING USES), of Article XII (NONCOMPLIANCE AND NONCONFORMITY) of the City of Alexandria Zoning Ordinance (TA No. 2003-0006).

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 12-215 of the City of Alexandria Zoning Ordinance be, and the same hereby is, amended to read as follows:

12-215 Abatement of day labor agencies.

Any day labor agency in existence on October 7, 2003, in a zone in which such use is neither a permitted or special use permit use, or in a zone in which such use is a special use permit use but for which a special use permit has not been granted, shall be deemed a nonconforming use and shall be discontinued on or before a date ~~18~~ 12 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 categorized as a nonconforming use under this section, 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 if permitted by the applicable regulations of this ordinance, obtain a special use permit approval prior to the expiration of ~~18~~ 12 months from the date of the notice.

(B) No later than the expiration of the applicable ~~18~~ 12 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 October 7, 2003, cannot be obtained prior to the expiration of the ~~18~~ 12 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~~ 12 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 October 7, 2003, in which case council shall extend the date to a time which it determines will provide such opportunity to the

petitioner.

Section 2. That Section 12-215 of the City of Alexandria Zoning Ordinance, as amended by this ordinance, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance, and that the amendments made by this ordinance be, and same here by are, declared to be severable, such that in the event this ordinance is determined to be invalid by a court of competent jurisdiction, Section 12-215, prior to amendment, shall remain in force and effect.

Section 3. 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 are filed on and after February 21, 2004, and are pending on and after the effective date before any city department, agency or board, or before city council, or on judicial review, 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 said Ordinance.

WILLIAM D. EUILLE
Mayor

Introduction:	2/10/04
First Reading:	2/10/04
Publication:	
Public Hearing:	
Second Reading:	
Final Passage:	