

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain Article II (DEFINITIONS) to amend certain commercial and nonresidential definitions; Articles III (RESIDENTIAL ZONE REGULATIONS), IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), and VII (SUPPLEMENTAL ZONE REGULATIONS) for certain commercial and nonresidential uses, change from special to administrative uses and special and administrative to permitted uses, add uses to more zones, and add use limitations and allow accessory uses to park in existing parking facilities on nonresidential properties; Article VIII (OFF-STREET PARKING AND LOADING) to amend parking requirements associated with significantly altered structures or buildings, indoor and outdoor recreation and entertainment uses, health and athletic club or fitness studios uses, and shared off-street parking facilities; Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) to reduce the processing time for an administrative special use permit change of ownership and amend administrative special use permit standards; and Article XII (NONCOMPLIANCE AND NONCONFORMITY) to delete inconsistent provisions of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00007.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2025-00007, 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 December 2, 2025 of a text amendment to the Zoning Ordinance to adopt various changes to commercial use regulations, which recommendation was approved by the City Council at public hearing on December 13, 2025;

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 II of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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.

1 2-118 – Automobiles, recreational vehicles, and trailer rental or sales area.
2 An automobile related use which may consist of:
3 (A) An open, outdoor display area for automobiles, recreational vehicles, or trailers for rent,
4 lease or sale; provided, that such display area shall not be used for required accessory
5 parking, and no repair work of any description shall be performed on such display area;
6 (B) Buildings for the indoor display and sale of automobiles, recreational vehicles, or trailers,
7 and for the display and sale of motor vehicle tires, batteries, accessories, or parts, for
8 accessory light automobile repair, or for accessory office and storage space; or
9 ***

10 2-119.2 - Awning or canopy.

11 A small roof projection with or without columns made of ~~fabric or~~ solid material, usually
12 suspended or cantilevered from the building wall entrance(s) and/or windows.

13 ***

14 2-126 - Business and professional office.

15 Any room, studio, clinic, suite or building in which the primary use is the conduct of a business
16 such as accounting, correspondence, research, editing, administration or analysis; or the conduct
17 of a business by a ~~salesman~~person, sales representative or manufacturer's representatives; or the
18 conduct of a business by professionals such as engineers, architects, land surveyors, artists,
19 musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects
20 but not including health professional offices or offices for day labor agencies.

21 ***

22 2-145 - Floor area.

23 ***

24 (B) For properties except for those specified in subsection (A), above, the floor area of the
25 building or buildings on a lot or tract or tract of land (whether "main" or "accessory") is the sum
26 of all gross horizontal areas under roof on a lot. These areas shall be measured from the exterior
27 faces of walls or any extended area under roof and are to be measured from the shared lot line in
28 the case of party walls. This space shall be based on permanent construction whether or not
29 provided with a finished floor or ceiling. Excluded from floor area shall be:
30 ***

31 (8) ~~Retractable awnings not enclosed by a wall, pole, or fence on three sides and that do
32 not use poles or posts for structural support.~~ Shade structures made of fabric and open on
33 at least three sides.

34 ***

35 (14) Awnings, Porticos and portions of porches, including wrap-around porches, up to
36 eight feet in depth located on the first or ground floor without second-story enclosed
37 construction above the portico or porch.

38 ***

39 2.164.1 - Live entertainment.

40 Entertainment as the primary attraction at a commercial use. Event advertising and admission or
41 a cover fee are frequently associated with live entertainment.

42 ***

1
2 2-173 - Manufacturing.
3 Assembly, processing, fabrication or manufacture of the following products:
4 Food and beverage products, ~~but not including the processing of sauerkraut, vinegar and yeast~~
5 ~~(other than in baked goods or brewing), the growing of mushrooms or the rendering of fats and~~
6 ~~oils;~~
7 ***
8 Photographic equipment, ~~excluding film~~;
9 ***
10
11 2-177 - Motor vehicle parking or storage.
12 Any land, building or structure where motor vehicles are parked or stored as a principal use, ~~or~~
13 ~~for other than the occupants, residents or visitors of a principal use.~~
14 ***
15
16 2-183.1 - Personal service ~~establishment~~.
17 A ~~store or shop~~ commercial operation providing personal, financial, technical or repair services,
18 assistance or advice to individual consumers, including, but not limited to:
19 ***
20 Arts and crafts studios ~~or stores~~;
21 ***
22 ~~Barbershops and beauty shops~~;
23 ***
24 ~~Optical center~~;
25 ***
26 Furniture upholstering ~~shops~~;
27 ***
28
29 2-184 - Reserved Place of worship.
30 A building or structure intended for organized religious services and activities.
31 ***
32
33 2-190 - Restaurant.
34 An public place establishment where engaged in the preparation and sale of food and beverages
35 are sold to customers for on-site consumption at tables or counters and may include in a form
36 suitable for carryout or delivery. or for immediate consumption with facilities for consuming
37 such food and beverages available on the premises. This definition shall not be construed to
38 include special events sponsored by an athletic, charitable, civic, educational, fraternal, political
39 or religious organization in a park or other public place, churches, synagogues, fraternal lodges,
40 school cafeterias and dining halls, food vending machines, mobile food units, pushcarts, ball
41 park and sports arena refreshment stands or retail stores. Commercial banquet facilities or event
42 spaces for hosting gatherings, receptions, or conferences with food and beverage service shall
43 also be classified as a restaurant.
44

1 2-191 - Retail ~~shopping establishment~~.

2 A store or shop engaged in the sale of commodities or goods to individual consumers for
3 personal use rather than for resale, including, but not limited to:

4 ***

5 Art and craft supplies;

6 ***

7 Beauty and grooming sales and services, including barber shops, hair and skincare salons and
8 spas;

9 ***

10 Clothing, clothing and accessories and dry goods;

11 Department stores;

12 Drugstores

13 ***

14 Optical products;

15 Pharmacies;

16 ***

17 ~~Retail shopping establishments does~~ not include, as either a primary or accessory use,
18 automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles,
19 including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; catering
20 operations; or any use separately listed in a zone.

21 ***

22 2-198.1 - Theater, live Reserved.

23 ~~An establishment that has an audience viewing hall or room and a permanent stage for the~~
24 ~~presentation of live performances by live actors to a live audience in a theater setting. Theaters~~
25 ~~may include but are not limited to live performances of music, dance, plays and orations.~~

26 2-200 - Trailer.

27 ~~A residence, house car, camp car or any portable or mobile vehicle structure on wheels, which is~~
28 ~~used or may be used for residential, commercial, hauling or storage purposes, except any vehicle~~
29 ~~or structure which is a recreational vehicle. The~~~~Removal~~ of a trailer's wheels or the placement
30 ~~of a trailer on a permanent foundation shall not alter its classification as a trailer, provided that~~
31 ~~such regulation shall not apply to~~ except for manufactured housing that meets applicable
32 building and foundation installation standards. This definition excludes recreational vehicles and
33 temporary storage units in place for 30 days or less.

34 ***

35 2-200.2 - Use, accessory.

36 A use which is clearly subordinate to and serves a permitted principal use; and is subordinate in
37 area, extent and purpose to the principal use served. An accessory use ~~generally~~ occupies less
38 than one-third of the gross floor area of the principal use and does not change the character of the
39 principal use.

40 ***

41 Section 2. That Article III of the Zoning Ordinance be, and the same hereby is,
42 amended by deleting the language shown in strikethrough and inserting new language shown in

1 underline, as follows:

2 Sec. 3-100 - R-20 Residential zone.

3 ***

4 5 3-102 - Permitted uses.

6 The following uses are permitted in the R-20 zone:

7 ***

8 (D) ~~Church~~:

9 (E) Home occupation, as permitted by section 7-300;

10 (E) Place of worship:

11 (F) Public building:

12 (F) Public park;

13 (G) Public school;

14 (H) Utilities, as permitted by section 7-1200.

15 16 3-102.1 - Administrative special uses.

17 The following uses may be allowed in the R-20 zone with administrative approval pursuant to
18 section 11-513 of this ordinance:

19 (A) Day care center within a ~~church~~place of worship or school building;

20 ***

21 (C) Private school, academic, within a place of worship.

22 23 3-103 - Special uses.

24 The following uses may be allowed in the R-20 zone pursuant to a special use permit:

25 ***

26 (D) Private school, academic;

27 ***

28 (F) Any ~~church~~place of worship or school parking added after October 1, 1996 which
29 exceeds the number of spaces required by this ordinance; provided, however, that no
30 special use permit for such excess parking shall regulate or substantially burden any
31 religious practice or belief.

32 ***

33 34 3-106 - Bulk and open space regulations.

35 ***

36 (C) *Height*. The maximum permitted height of a structure is 30 feet except for a ~~church~~place
37 of worship or school use in which case the maximum permitted height is 40 feet.

38 ***

39 40 Sec. 3-200 - R-12 Residential zone.

41 ***

42 43 3-202 - Permitted uses.

44 The following uses are permitted in the R-12 zone:

45 ***

- (D) Church;
- (E) Home occupation, as permitted by section 7-300;
- (E) Place of worship;
- (F) Public building;
- (F) Public park;
- (G) Public school;
- (H) Utilities, as permitted by section 7-1200.

3-202.1 - Administrative special uses.

10 The following uses may be allowed in the R-12 zone with administrative approval pursuant to
11 section 11-513 of this ordinance:

(A) Day care center within a ~~church~~place of worship or school building;

(C) Private school, academic, within a place of worship.

3-203 - Special uses.

The following uses may be allowed in the R-12 zone pursuant to a special use permit:

* * *

- (D) Private school, academic;
- (E) Any ehurehplace of worship or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-206 - Bulk and open space regulations.

(C) *Height.* The maximum permitted height of a structure is 30 feet except for a ~~church~~place of worship or school use in which case the maximum permitted height is 40 feet.

Sec. 3-300 - R-8 Residential zone.

3-302 - Permitted uses.

The following uses are permitted in the R-8 zone:

* * *

- (D) Church;
- (E) Home occupation, as permitted by section 7-300;
- (E) Place of worship;
- (F) Public building;
- (F) Public park;
- (G) Public school;
- (H) Utilities, as permitted by section 7-1200.

1 3-302.1 - Administrative special uses.

2 The following uses may be allowed in the R-8 zone with administrative approval pursuant to
3 section 11-513 of this ordinance:

4 (A) Day care center within a ~~church~~place of worship or school building;

5 ***

6 (C) Private school, academic, within a place of worship.

7 3-303 - Special uses.

8 The following uses may be allowed in the R-8 zone pursuant to a special use permit:

9 ***

10 (D) Private school, academic;

11 (E) Any ~~church~~place of worship or school parking added after October 1, 1996 which
12 exceeds the number of spaces required by this ordinance; provided, however, that no
13 special use permit for such excess parking shall regulate or substantially burden any
14 religious practice or belief.

15 ***

16 3-306 - Bulk and open space regulations.

17 ***

18 (C) *Height.* The maximum permitted height of a structure is 30 feet except for a ~~church~~place
19 of worship or school use in which case the maximum permitted height is 40 feet.

20 ***

21 Sec. 3-400 - R-5 Residential zone.

22 ***

23 3-402 - Permitted uses.

24 The following uses are permitted in the R-5 zone:

25 ***

26 (D) Church;

27 (E) Home occupation, as permitted by section 7-300;

28 (E) Place of worship;

29 (F) Public building;

30 (F) Public park;

31 (G) Public school;

32 (H) Utilities, as permitted by section 7-1200.

33 3-402.1 - Administrative special uses.

34 The following uses may be allowed in the R-5 zone with administrative approval pursuant to
35 section 11-513 of this ordinance:

36 (A) Day care center within a ~~church~~place of worship or school building;

37 ***

38 (C) Private school, academic, within a place of worship.

1 3-403 - Special uses.

2 The following uses may be allowed in the R-5 zone pursuant to a special use permit:

3 ***

4 (D) Private school, academic;

5 (E) Any churhplace of worship or school parking added after October 1, 1996 which
6 exceeds the number of spaces required by this ordinance; provided, however, that no
7 special use permit for such excess parking shall regulate or substantially burden any
8 religious practice or belief.

9 ***

10 3-406 - Bulk and open space regulations.

11 (C) *Height*. The maximum permitted height of a structure is 30 feet except for a churhplace
12 of worship or school use in which case the maximum permitted height is 40 feet.

13 ***

14 Sec. 3-500 - R-2-5 Residential family zone.

15 ***

16 3-502 - Permitted uses.

17 The following uses are permitted in the R-2-5 Zone:

18 ***

19 (E) Churh;

20 (F) Home occupation, as permitted by section 7-300;

21 (F) Place of worship;

22 (G) Public building;

23 (G) Public park;

24 (H) Public school;

25 (I) Utilities, as permitted by section 7-1200.

26 3-502.1 Administrative special uses.

27 The following uses may be allowed in the R-2-5 zone with administrative approval pursuant to
28 section 11-513 of this ordinance:

29 (A) Day care center within a churhplace of worship or school building;

30 ***

31 (C) Private school, academic, within a place of worship.

32 3-503 - Special uses.

33 The following uses may be allowed in the R-2-5 zone pursuant to a special use permit:

34 ***

35 (D) Private school, academic;

36 (E) Any churhplace of worship or school parking added after October 1, 1996 which
37 exceeds the number of spaces required by this ordinance; provided, however, that no
38 special use permit for such excess parking shall regulate or substantially burden any
39 religious practice or belief.

40 ***

41 46

1 3-506 - Bulk and open space regulations.

2 ***

3 (C) *Height*. The maximum permitted height of a structure is 30 feet except for a ~~churchplace~~
4 of worship or school use in which case the maximum permitted height is 40 feet.

5 ***

6

7 Sec. 3-600 - RA/Multi-unit zone.

8 ***

9

10 3-602 - Permitted uses.

11 The following uses are permitted in the RA zone:

12 ***

13 (G) Church;

14 (H) Home occupation, as permitted by section 7-300;

15 (H) Place of worship;

16 (I) Public building:

17 (IJ) Public park;

18 (JK) Public school;

19 (KL) Utilities, as permitted by section 7-1200.

20

21 3-602.1 - Administrative special uses.

22 The following uses may be allowed in the RA zone with administrative approval pursuant to
23 section 11-513 of this ordinance:

24 (A) Day care center within a ~~churchplace of worship~~ or school building;

25 ***

26 (D) Private school, academic, within a place of worship.

27

28 3-603 - Special uses.

29 The following uses may be allowed in the RA zone pursuant to a special use permit:

30 ***

31 (G) Private school, academic;

32 ***

33 (J) Any ~~churchplace of worship~~ or school parking added after October 1, 1996 which
34 exceeds the number of spaces required by this ordinance; provided, however, that no
35 special use permit for such excess parking shall regulate or substantially burden any
36 religious practice or belief.

37 ***

38

39 Sec. 3-700 - RB/Townhouse zone.

40 ***

41

42 3-702 - Permitted uses.

43 The following uses are permitted in the RB zone:

44 ***

45 (F) Church;

46 (G) Home occupation, as permitted by section 7-300;

1 (G) Place of worship;
2 (H) Public building:
3 (HI) Public park;
4 (KJ) Public school;
5 (JK) Utilities, as permitted by section 7-1200.
6

7 3-702.1 - Administrative special uses.

8 The following uses may be allowed in the RB zone with administrative approval pursuant to
9 section 11-513 of this ordinance:

10 (A) Day care center within a ~~church~~place of worship or school building;

11 ***

12 (C) Private school, academic, within a place of worship.

14 3-703 - Special uses.

15 The following uses may be allowed in the RB zone pursuant to a special use permit:

16 ***

17 (F) Private school, academic;

18 ***

19 (I) Any ~~church~~place of worship or school parking added after October 1, 1996 which
20 exceeds the number of spaces required by this ordinance; provided, however, that no
21 special use permit for such excess parking shall regulate or substantially burden any
22 religious practice or belief.

24 Sec. 3-800 - RCX/Medium density apartment zone.

25 ***

27 3-802 - Permitted uses.

28 The following uses are permitted in the RCX zone:

29 ***

30 (E) ~~Church~~;

31 (F) Home occupation, as permitted by section 7-300;

32 (F) Place of worship;

33 (G) Public building:

34 (GH) Public park;

35 (HI) Public school;

36 (IJ) Utilities, as permitted by section 7-1200.

38 3-802.1 - Administrative special uses.

39 The following uses may be allowed in the RCX zone with administrative approval pursuant to
40 section 11-513 of this ordinance:

41 ***

42 (C) Day care center within a ~~church~~place of worship or school building-;

43 (D) Private school, academic, within a place of worship.

45 3-803 - Special uses.

46 The following uses may be allowed in the RCX zone pursuant to a special use permit:

1 ***

2 (G) Private school, academic;

3 ***

4 (J) The following commercial uses in a multi-unit building of four or more stories in height
5 if limited to an area the size of the first floor or a floor below it, whichever is less, and
6 located on the first floor or any floor below the first floor of the building:

7 (1) ~~Bank, saving and loan bank or association, and similar financial institution~~;

8 (2) ~~Barber shop or beauty shop~~;

9 (3) ~~Cleaning, laundry or pressing agency with no actual operations on premises~~
10 Business and professional office;

11 (4) Day care center;

12 (5) ~~Drugstore~~Health and athletic club or fitness studio;

13 (6) ~~Gift shop~~Medical care facility;

14 (7) ~~Grocery store or convenience store, where products are not prepared or consumed~~
15 on premisesPersonal service;

16 (8) ~~Health and athletic club or fitness studio~~Restaurant;

17 (8.1) ~~Medical care facility~~Retail;

18 (9) ~~Professional and business office, provided that no inventory, stock in trade,~~
19 materials or supplies other than general office supplies are stored on site and that
20 no trucks, vans or similar vehicles are parked on site outside of business hours;

21 (10) ~~Restaurant~~.

22 (K) Any ~~church~~place of worship or school parking added after October 1, 1996 which
23 exceeds the number of spaces required by this ordinance; provided, however, that no
24 special use permit for such excess parking shall regulate or substantially burden any
25 religious practice or belief.

26 ***

27 Sec. 3-900 - RC/High density apartment zone.

28 ***

30 3-902 - Permitted uses.

32 The following uses are permitted in the RC zone:

33 ***

34 (E) Church;

35 (F) ~~Home occupation~~, as permitted by section 7-300;

36 (F) Place of worship;

37 (G) Public building;

38 (G) Public park;

39 (H) Public school;

40 ***

41 (I) The following commercial uses in a residential development of at least 2,000 dwelling
42 units if limited to an area the size of the first floor or any floor below it, whichever is
43 less, and located on the first floor or any floor below the first floor of the building:

44 (1) ~~Bank, saving and loan bank or association, and similar financial institution~~Business
45 and professional office;

46 (2) ~~Barbershop or beauty parlor~~Health and athletic club or fitness studio;

- (3) ~~Cleaning, laundry or pressing agency with no actual operations on premises~~Personal service;
- (4) ~~Drugstore~~Retail;
- (5) ~~Grocery or convenience store, where products are not prepared or consumed on the premises;~~
- (6) ~~Gift or florist shop;~~
- (6.1) ~~Health and athletic club or fitness studio;~~
- (7) ~~Professional, business and health profession office provided that no inventory, stock in trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and~~
- (JK) Utilities, as permitted by section 7-1200.

3-902.1 - Administrative special uses.

The following uses may be allowed in the RC zone with administrative approval pursuant to section 11-513 of this ordinance:

(C) Day care center within a ~~churh~~place of worship or school building:-
(D) Private school, academic, within a place of worship.

3-903 - Special uses.

The following uses may be allowed in the RC zone pursuant to a special use permit:

* * *

(H) Private school, academic;

* * *

(K) The following commercial uses in a multi-unit building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

- (1) ~~Bank, saving and loan bank or association, and similar financial institution;~~
- (2) ~~Barber shop or beauty shop;~~
- (3) ~~Cleaning, laundry or pressing agency with no actual operations on premises~~
Business and professional office;
- (4) Day care center;
- (5) ~~Drugstore~~Health and athletic club or fitness studio;
- (6) ~~Gift shop~~Medical care facility;
- (7) ~~Grocery store or convenience store, where products are not prepared or consumed on premises~~Personal service;
- (8) Health and athletic club or fitness studio~~Restaurant, which may be located on the top floor or the roof of the building;~~
- (8.17) ~~Medical care facility~~Retail;
- (8.2) Outdoor dining on private property;
- (9) ~~Professional and business office, provided that no inventory, stock in trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours;~~
- (10) ~~Restaurants and, in the case of a building which is seven or more stories, the restaurant may be located on the top floor or the roof of the building.~~

1 3-1102.1 - Administrative special uses.

2 The following uses may be allowed in the RM zone with administrative approval pursuant to
3 section 11-513 of this ordinance:

4 (A) Day care center within a ~~church~~place of worship or school building;

5 ***

6 (B) Private school, academic, within a place of worship.

7 3-1103 - Special uses.

8 The following uses may be allowed in the RM zone pursuant to a special use permit:

9 ***

10 (G) Private school, academic;

11 ***

12 (J) Any ~~church~~place of worship or school parking added after October 1, 1996 which
13 exceeds the number of spaces required by this ordinance; provided, however, that no
14 special use permit for such excess parking shall regulate or substantially burden any
15 religious practice or belief.

16 Sec. 3-1200 - RS/Townhouse zone.

17 **

18 3-1202 - Permitted uses.

19 The following uses are permitted in the RS zone:

20 ***

21 (C.1) Church;

22 ***

23 (E) Place of worship;

24 (F) Public building;

25 (G) Public park;

26 (H) Public school;

27 (I) Utilities, as permitted by section 7-1200.

28 3-1203 - Special use.

29 The following uses may be allowed in the RS zone pursuant to a special use permit:

30 ***

31 (E) Any ~~church~~place of worship or school parking added after October 1, 1996 which
32 exceeds the number of spaces required by this ordinance; provided, however, that no
33 special use permit for such excess parking shall regulate or substantially burden any
34 religious practice or belief.

35 Sec. 3-1300 - RT/Townhouse zone.

36 ***

37 3-1302 - Permitted uses.

38 The following uses are permitted in the RT zone:

39 ***

1 (C.1) Church;

2 ***

3 (E) Place of worship;

4 (F) Public building;

5 (E) G Public park;

6 (H) Public school;

7 (F) Utilities, as permitted by section 7-1200.

8 ***

9 3-1303 - Special uses.

10 The following uses may be allowed in the RT zone pursuant to a special use permit:

11 ***

12 (E) Any ~~church~~place of worship or school parking added after October 1, 1996 which
13 exceeds the number of spaces required by this ordinance; provided, however, that no
14 special use permit for such excess parking shall regulate or substantially burden any
15 religious practice or belief.

16 Sec. 3-1400 - RMF/Residential multi-unit zone.

17 ***

18 3-1402 - Permitted uses.

19 The following uses are permitted in the RMF zone:

20 ***

21 (C) The following uses shall be permitted within a multi-unit building:

22 (1) ~~Personal service~~establishment;

23 ***

24 (4) ~~Retail-shopping~~establishment;

25 (4.1) Private school, academic;

26 ***

27 (E) ~~Church~~Place of worship;

28 ***

29 (G) Public building;

30 (H) Public school.

31 3-1403 - Special uses.

32 The following uses may be allowed in the RMF zone pursuant to a special use permit:

33 ***

34 (C) ~~Private academic school with more than 20 students within a multi-unit building~~.

35 ***

36 3-1409 - Use limitations.

37 (A) All ~~commercial operations, including storage~~, shall be conducted within a completely
38 enclosed building, with the exception of outdoor uses pursuant to section 3-1400 and City
39 Code section 5-2-29, as applicable.

40 (B) ~~No use shall be conducted in any manner which would render it noxious or~~
41 ~~offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or~~

glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

(C) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

(D) AdDay care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and vehicular traffic. ~~The~~ AdDay care centers and private academic schools must obtain approval of the plan prior to opening its place of business.

* * *

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

Sec. 4-100 - CL/Commercial low zone.

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

(D.1) Child or elder care home, as permitted by section 7-500;

(E) Church:

(E) Church,
~~(E-1)~~ Day care center.

(E.1) Fraternal or private club:

(E.2) Funeral home:

(E 1) Health and athletic club or fitness studio, indoor:

* * *

(H) Personal service establishment:

(H) Personal service est.

(H.1) Place of worship,
(H.2) Private school, academic:

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(I.1) Public buildings:

111

(L2) Restaurant located within a commercial complex pursuant to section 7-1000;

(K) ~~Retail shopping establishment~~, up to 20,000 gross square feet;

* * *

4-102.1 - Administrative special uses.

The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

* * *

(B) RestaurantChild or elder care home, other than pursuant to section 4-102;

* * *

(F) ~~Reserved:~~

(G) Valet parking.

4-103 - Special uses.

The following uses may be allowed in the CL zone pursuant to a special use permit:

* * *

~~(A.2) Bus shelter on private property;~~

(E) Fraternal or private club Reserved:

(F) ~~Funeral home~~ Reserved:

(K) Private school, academic, with more than 20 students on the premises at any one time;

(L) Public buildings:

(L1) Recreation and entertainment use, outdoor;

(ML) Retail shopping establishment, larger than 20,000 gross square feet...

(N) Reserved.

* * *

4-107 - Use limitations.

(A) All operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-100 and City Code section 5-2-29, as applicable.

(B) ~~No more than one vehicle limited to one car or light truck shall be used on the premises as part of the operation of any business except that additional vehicles may be permitted with a special use permit.~~ Reserved.

(C) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~ Reserved.

(D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises. Reserved.

(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more

1 complaints from the same complainant concerning the same condition or one or more
2 complaints from two or more distinct complainants concerning the same condition are
3 received and verified, the director will send written notice to the person responsible.
4 Within 30 days, the person responsible shall submit a written control plan to the director.
5 The control plan must specify corrective measures and a timeline for implementation,
6 drawing on best available control technologies and recognized industry best practices.
7 The director may require modifications to the control plan, impose reasonable deadlines,
8 and require monitoring or inspections to verify compliance.

9 (F) ~~Parking for commercial uses may be located on a lot other than the one on which the~~
10 ~~commercial use is located if the other lot is zoned for commercial uses and is located~~
11 ~~within 1,000 feet of the use served.~~ Reserved.

12 (G) ~~A day care center or commerecial school shall obtain all required state, federal and local~~
13 ~~licenses and prior to opening its place of business~~ Reserved.

14 (H) ~~A~~Day care centers and private academic schools for compulsory school age students
15 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
16 the safe transfer of ~~ehildren~~ students and creates minimal impact on pedestrian and
17 vehicular traffic. ~~The~~Day care centers and private academic schools must obtain
18 approval of the plan prior to opening its place of business.

19 ***

20 (J) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
21 vapor products, alternative nicotine products, or hemp products intended for smoking are
22 prohibited on property within 1,000 linear feet of a child day care center, or a public or
23 private academic early childhood, elementary, middle, or high school. Any such use in
24 operation prior to July 1, 2024, may continue to operate at its existing location, but
25 Article XII does not apply.

26 ***

27 Sec. 4-200 - CC/Commercial community zone.

28 ***

31 4-202 - Permitted uses.

32 The following uses are permitted in the CC zone:

33 ***

34 (D.1) Child or elder care home; as permitted by section 7-500;
35 (E) ~~Church;~~
36 (E.1) Day care center;
37 (E.1) Fraternal or private club;
38 (E.2) Funeral home;

39 ***

40 (F.1) Health and athletic club or fitness studio, indoor;

41 ***

42 (H.1) Place of worship;
43 (H.2) Private school, academic;
44 (H.3) Private school, commercial;
45 (H.4) Public building;

46 ***

1 shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a
2 nuisance by creating a substantial and unreasonable interference with the health, safety,
3 peace, or comfort of persons beyond the property line. When either two or more
4 complaints from the same complainant concerning the same condition or one or more
5 complaints from two or more distinct complainants concerning the same condition are
6 received and verified, the director will send written notice to the person responsible.
7 Within 30 days, the person responsible shall submit a written control plan to the director.
8 The control plan must specify corrective measures and a timeline for implementation,
9 drawing on best available control technologies and recognized industry best practices.
10 The director may require modifications to the control plan, impose reasonable deadlines,
11 and require monitoring or inspections to verify compliance.

12 (F) A day care center or commercial school shall obtain all required state, federal and local
13 licenses and certificates prior to opening its place of business Reserved.

15 (G) ~~A~~Day care centers and private academic schools for compulsory school age students
16 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
17 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
18 vehicular traffic. ~~The~~Day care centers and private academic schools must obtain
19 approval of the plan prior to opening its place of business.

20 ***

21 (I) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
22 vapor products, alternative nicotine products, or hemp products intended for smoking are
23 prohibited on property within 1,000 linear feet of a child day care center, or a public or
24 private academic early childhood, elementary, middle, or high school. Any such use in
25 operation prior to July 1, 2024, may continue to operate at its existing location, but
26 Article XII does not apply.

27 ***

29 Sec. 4-300 - CSL/Commercial service low zone.

31 ***

33 4-302 - Permitted uses.

34 The following uses are permitted in the CSL zone:

35 ***

36 (D.1) Child or elder care home; as permitted by section 7-500;
37 (E) ~~Church;~~
38 (E.1) Day care center;
39 (E.1) Fraternal or private club;
40 (E.2) Funeral home;

41 ***

42 (F.1) Health and athletic club or fitness studio, indoor;

43 ***

44 (H) Personal service establishment;

45 (H.1) Place of worship;

46 (H.42) Private school, ~~commercial~~ academic;

1 (H.3) Private school, commercial;

2 (H.4) Public building;

3 ***

4 (J) Retail shopping establishment, up to 20,000 gross square feet;

5 (J.1) Restaurant located within a commercial complex or hotel, pursuant to section 7-1900;

6 ***

7

8 4-302.1 - Administrative special uses.

9 The following uses may be allowed in the CSL zone with administrative approval, subject to
10 section 11-513 of this ordinance:

11 ***

12 (B) Restaurant Child or elder care home, other than pursuant to section 4-302;

13 ***

14 (F) Reserved;

15 (G) Valet parking.

16

17 4-303 - Special uses.

18 The following uses may be allowed in the CSL zone pursuant to a special use permit:

19 ***

20 (A.1) Any use with live entertainment;

21 ***

22 (B) Automobile, recreational vehicles, and trailer rental or sales area;

23 ***

24 (D) Bus shelter on private property Reserved;

25 ***

26 (K) Fraternal or private club Reserved;

27 (L) Funeral home Reserved;

28 ***

29 (N) Reserved Live entertainment, with any use;

30 ***

31 (U) Reserved;

32 (V) Private school, academic, with more than 20 students on the premises at any one time;

33 (W) Public building;

34 (W.1) Recreation and entertainment use, outdoor;

35 (X) Research and testing laboratory;

36 (Y) Retail shopping establishments, larger than 20,000 gross square feet;

37 (Z) Reserved;

38 (AA) Storage buildings and warehouses, not to include freight distribution centers;

39 (BB) Wholesale business.

40 ***

41

42 4-307 - Use limitations.

43 (A) All operations, including storage, shall be conducted located within a completely
44 enclosed building, with the exception of outdoor uses pursuant to section 4-300 and City
45 Code section 5-2-29, as applicable.

1 (B) ~~Loading and unloading operations shall take place entirely within the site and shall be so~~
2 ~~located so as not to interfere with pedestrian routes and local traffic.~~ Reserved.

3 (C) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as~~
4 ~~televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like~~
5 ~~items which do not exceed one horsepower in size.~~ Reserved.

6 ***

7 (E) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
8 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
9 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
10 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
11 ~~peace, or comfort of persons beyond the property line. When either two or more~~
12 ~~complaints from the same complainant concerning the same condition or one or more~~
13 ~~complaints from two or more distinct complainants concerning the same condition are~~
14 ~~received and verified, the director will send written notice to the person responsible.~~
15 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
16 ~~The control plan must specify corrective measures and a timeline for implementation,~~
17 ~~drawing on best available control technologies and recognized industry best practices.~~
18 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
19 ~~and require monitoring or inspections to verify compliance.~~

20 (F) ~~A day care center or commercial school shall obtain all required state, federal and local~~
21 ~~licenses and certificates prior to opening its place of business~~ Reserved.

22 (G) ~~A~~ dDay care centers and private academic schools for compulsory school age students
23 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
24 the safe transfer of children students and creates minimal impact on pedestrian and
25 vehicular traffic. ~~The~~ dDay care centers and private academic schools must obtain
26 approval of the plan prior to opening its place of business.

27 ***

28 (I) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
29 vapor products, alternative nicotine products, or hemp products intended for smoking are
30 prohibited on property within 1,000 linear feet of a child day care center, or a public or
31 private academic early childhood, elementary, middle, or high school. Any such use in
32 operation prior to July 1, 2024, may continue to operate at its existing location, but
33 Article XII does not apply.

34 ***

35 Sec. 4-400 - CG/Commercial general zone.

36 ***

37 4-402 - Permitted uses.

38 The following uses are permitted in the CG zone:

39 ***

40 (D.1) Child or elder care home; as permitted by section 7-500;

41 (E) Church;

42 (E.1) Day care center;

43 (E.1) Fraternal or private club;

44 (E.2) Funeral home;

1 (E.23) Health and athletic club or fitness studio, indoor;

2 ***

3 (H.1) Place of worship;

4 (H.2) Private school, academic;

5 (H.43) Private school, commercial;

6 (I) Personal service establishment;

7 (I.1) Public building;

8 ***

9 (J.2) Restaurant located within a commercial complex or hotel, pursuant to section 7-1900;

10 (K) Retail-shopping establishments, up to 20,000 gross square feet;

11 ***

12

13 4-402.1 - Administrative special uses.

14 The following uses may be allowed in the CG zone with administrative approval, subject to
15 section 11-513 of this ordinance:

16 ***

17 (A) RestaurantChild or elder care home, other than pursuant to section 4-402;

18 ***

19 (F) Reserved;

20 (G) Valet parking.

21

22 4-403 - Special uses.

23 The following uses may be allowed in the CG zone pursuant to a special use permit:

24 (A) Any use with live entertainmentReserved;

25 ***

26 (D) Automobile, recreational vehicles, and trailer rental or sales area;

27 (D.1) Bus shelter on private property;

28 ***

29 (K) Fraternal or private clubReserved;

30 (L) Funeral homeReserved;

31 ***

32 (R.1) Live entertainment, with any use;

33 ***

34 (U) Reserved;

35 ***

36 (W) Private school, academic, with more than 20 students on the premises at any one time;

37 (X) Public building;

38 (Y) Recreation and entertainment use, outdoor;

39 (Y.1) Retail-shopping establishments, larger than 20,000 gross square feet;

40 (Z) Reserved.

41 ***

42

43 4-407 - Use limitations.

44 (A) All operations, including storage, shall be conductedlocated within a completely
45 enclosed building, with the exception of outdoor uses pursuant to section 4-400 and City
46 Code section 5-2-29, as applicable.

1 ***

2 (C) ~~No use shall be conducted in any manner which would render it noxious or~~
3 ~~offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or~~
4 ~~glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they~~
5 ~~do not create a nuisance by creating a substantial and unreasonable interference with the~~
6 ~~health, safety, peace, or comfort of persons beyond the property line. When either two or~~
7 ~~more complaints from the same complainant concerning the same condition or one or~~
8 ~~more complaints from two or more distinct complainants concerning the same condition~~
9 ~~are received and verified, the director will send written notice to the person responsible.~~
10 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
11 ~~The control plan must specify corrective measures and a timeline for implementation,~~
12 ~~drawing on best available control technologies and recognized industry best practices.~~
13 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
14 ~~and require monitoring or inspections to verify compliance.~~

15 (D) ~~A day care center or commercial school shall obtain all required state, federal and local~~
16 ~~licenses and certificates prior to opening its place of business.~~ - Reserved.

17 (E) ~~A~~dDay care centers and private academic schools for compulsory school age students
18 shall submit for the director's review a pick-up and drop-off plan that adequately
19 ensures the safe transfer of ~~ehildren~~ students and creates minimal impact on
20 pedestrian and vehicular traffic. ~~The~~dDay care centers and private academic schools
21 must obtain approval of the plan prior to opening its place of business.

22 ***

23 (G) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
24 vapor products, alternative nicotine products, or hemp products intended for smoking are
25 prohibited on property within 1,000 linear feet of a child day care center, or a public or
26 private academic early childhood, elementary, middle, or high school. Any such use in
27 operation prior to July 1, 2024, may continue to operate at its existing location, but
28 Article XII does not apply.

29 ***

30 Sec. 4-500 CD/Commercial downtown zone.

31 ***

32 4-502 - Permitted uses.

33 The following uses are permitted in the CD zone:

34 ***

35 (D.1) Child or elder care home; as permitted by section 7-500;
36 (E) ~~Church~~Reserved;

37 ***

38 (F.2) Fraternal or private club;
39 (F.3) Funeral home;

40 ***

41 (G.1) Health and athletic club or fitness studio, indoor;

42 ***

43 (I) Personal service establishment;
44 (I.1) Place of worship;

1 (I.2) Private school, academic;

2 ***

3 (J.1) Public building;

4 ***

5 (L.2) Restaurant, pursuant to section 7-1900;

6 (M) ~~Retail-shopping establishment~~, up to 20,000 gross square feet;

7 ***

8

9 4-502.1 - Administrative special uses.

10 The following uses may be allowed in the CD zone with administrative approval, subject to
11 section 11-513 of this section:

12 ***

13 (A.2) Child or elder care home, other than pursuant to section 4-502;

14 ***

15 (E) ~~Restaurant~~;

16 (F) Valet parking.

17

18 4-503 - Special uses.

19 The following uses may be allowed in the CD zone pursuant to a special use permit:

20 (A) ~~Any use with live entertainment~~Reserved;

21 ***

22 (C) ~~Bus shelter on private property~~Reserved;

23 ***

24 (I.1) ~~Fraternal or private club~~;

25 (J) ~~Funeral home~~;

26 (K) ~~Reserved~~;

27 (L) ~~Reserved~~;

28 (M) ~~Homeless shelter~~;

29 (N) ~~Hospital~~;

30 (O) ~~Hotel~~;

31 (L.1M) Live entertainment, with any use;

32 (P) ~~Medical care facility~~;

33 (Q) ~~Motor vehicle parking or storage for more than 20 vehicles~~;

34 (R) ~~Newspaper office, including printing and publishing facilities~~;

35 (S) ~~Reserved~~;

36 (T) ~~Nursing or convalescent home or hospice~~;

37 (T.1R) ~~Outdoor dining on private property, other than pursuant to sections 4-502 and 4-~~

38 502.1;

39 (T.2S) ~~Outdoor market, other than pursuant to section 4-502.1~~;

40 (T.3T) ~~Outdoor garden center, other than pursuant to section 4-502.1~~;

41 (U) ~~Private school, academic, with more than 20 students on the premises at any one time~~;

42 (V) ~~Public building~~;

43 (W) ~~Recreation and entertainment use, outdoor~~;

44 (W.1) ~~Retail-shopping establishments~~, larger than 20,000 gross square feet;

45 (X) ~~Reserved~~;

46 (Y) ~~Reserved~~;

1 (ZV) Wholesale business.
2 ***
3

4 4-507 - Use limitations.

5 (A) All ~~operations, including storage;~~ shall be ~~conducted~~located within a completely
6 enclosed building, ~~with the exception of outdoor uses pursuant to section 4-500 and City~~
7 Code section 5-2-29, as applicable.
8 (B) Appliance sales, repair and rental shall be limited to small appliances only, such as
9 televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like
10 items which do not exceed one horsepower in size. Reserved.
11 (C) ~~No use shall be conducted in any manner which would render it noxious or~~
12 ~~offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or~~
13 ~~glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they~~
14 ~~do not create a nuisance by creating a substantial and unreasonable interference with the~~
15 ~~health, safety, peace, or comfort of persons beyond the property line. When either two or~~
16 ~~more complaints from the same complainant concerning the same condition or one or~~
17 ~~more complaints from two or more distinct complainants concerning the same condition~~
18 ~~are received and verified, the director will send written notice to the person responsible.~~
19 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
20 ~~The control plan must specify corrective measures and a timeline for implementation,~~
21 ~~drawing on best available control technologies and recognized industry best practices.~~
22 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
23 ~~and require monitoring or inspections to verify compliance.~~

24 (D) ~~A day care center or commercial school shall obtain all required state, federal and local~~
25 ~~licenses and certificates prior to opening its place of business.~~ Reserved.
26 (E) ~~A~~dDay care centers and private academic schools for compulsory school age students
27 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
28 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
29 vehicular traffic. ~~The~~ dDay care centers and private academic schools must obtain
30 approval of the plan prior to opening its place of business.

31 ***
32 (G) Retail ~~shopping~~ establishments with a principal use selling tobacco products, nicotine
33 vapor products, alternative nicotine products, or hemp products intended for smoking are
34 prohibited on property within 1,000 linear feet of a child day care center, or a public or
35 private academic early childhood, elementary, middle, or high school. Any such use in
36 operation prior to July 1, 2024, may continue to operate at its existing location, but
37 Article XII does not apply.

38 ***
39 Sec. 4-600 - CD-X/Commercial downtown zone (Old Town North).
40 ***
41

42 4-602 - Permitted uses.

43 The following uses are permitted in the CD-X zone:
44 ***
45

46 (A) ~~Church~~Child or elder care home; as permitted by section 7-500;;

1 ***
2 (D.2) Fraternal or private club;
3 (D.3) Funeral home;
4 ***
5 (E.1) Health and athletic club or fitness studio, indoor;
6 ***
7 (G) Personal service ~~establishment~~;
8 (G.1) Place of worship;
9 (H) Private school, commercial academic;
10 (H.1) Private school, commercial;
11 (I) Public building;
12 (I.1) Public school;
13 ***
14 (K) ~~Retail shopping establishments~~, up to 20,000 gross square feet;
15 (K.1) ~~Restaurant located within a commercial complex or hotel, pursuant to section 7-1900~~;
16 ***
17
18 4-602.1 - Administrative special uses.
19 The following uses may be allowed in the CD-X zone with administrative approval, subject to
20 section 11-513 of this ordinance:
21 ***
22 (B) ~~Reserved~~ Child or elder care home, other than pursuant to section 4-602;
23 ***
24 (F) Restaurant;
25 (G) Valet parking.
26
27 4-603 - Special uses.
28 (A) ~~Any use with live entertainment Reserved~~;
29 ***
30 (B.1) ~~Bus shelter on private property~~;
31 ***
32 (H) Fraternal or private club;
33 (I) Funeral home;
34 (J) ~~Reserved~~;
35 (K) ~~Reserved~~;
36 (L) Homeless shelter;
37 (M) Hospital;
38 (N) Hotel;
39 (K) Live entertainment, with any use;
40 (O) Medical care facility;
41 (O.1) Motor vehicle parking or storage for more than 20 vehicles;
42 (P) Newspaper office, including printing and publishing facilities;
43 (Q) ~~Reserved~~;
44 (R) Nursing or convalescent home or hospice;
45 (R.1) Outdoor dining on private property, other than pursuant to sections 4-602 and 4-
46 602.1;

1 (R.2Q) Outdoor market, other than pursuant to section 4-602.1;
2 (R.3) Outdoor garden center, other than pursuant to section 4-602.1;
3 (S) ~~Private school, academic, with more than 20 students on the premises at any one time;~~
4 (T) ~~Public building;~~
5 (UR) Recreation and entertainment use, outdoor;
6 (U.S) ~~Retail shopping establishments~~, larger than 20,000 gross square feet;
7 (V) ~~Reserved;~~
8 (W) ~~Reserved;~~
9 (XT) Wholesale business.

10 ***

11 4-607 - Use limitations.

12 (A) ~~All operations, including storage, shall be conducted located within a completely~~
13 ~~enclosed building, with the exception of outdoor uses pursuant to section 4-600 and City~~
14 ~~Code section 5-2-29, as applicable.~~

15 (B) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as~~
16 ~~televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like~~
17 ~~items which do not exceed one horsepower in size. Reserved.~~

18 (C) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
19 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
20 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
21 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
22 ~~peace, or comfort of persons beyond the property line. When either two or more~~
23 ~~complaints from the same complainant concerning the same condition or one or more~~
24 ~~complaints from two or more distinct complainants concerning the same condition are~~
25 ~~received and verified, the director will send written notice to the person responsible.~~
26 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
27 ~~The control plan must specify corrective measures and a timeline for implementation,~~
28 ~~drawing on best available control technologies and recognized industry best practices.~~
29 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
30 ~~and require monitoring or inspections to verify compliance.~~

31 (D) ~~A day care center or commercial school shall obtain all required state, federal and local~~
32 ~~licenses and certificates prior to opening its place of business. Reserved.~~

33 (E) ~~A day care centers and private academic schools for compulsory school age students~~
34 ~~shall submit for the director's review a pick-up and drop-off plan that adequately ensures~~
35 ~~the safe transfer of children students and creates minimal impact on pedestrian and~~
36 ~~vehicular traffic. The day care centers and private academic schools must obtain~~
37 ~~approval of the plan prior to opening its place of business.~~

38 ***

39 (G) ~~Retail shopping establishments with a principal use selling tobacco products, nicotine~~
40 ~~vapor products, alternative nicotine products, or hemp products intended for smoking are~~
41 ~~prohibited on property within 1,000 linear feet of a child day care center, or a public or~~
42 ~~private academic early childhood, elementary, middle, or high school. Any such use in~~
43 ~~operation prior to July 1, 2024, may continue to operate at its existing location, but~~
44 ~~Article XII does not apply.~~

45 ***

46 ***

1 Sec. 4-700 - CR/Commercial regional zone.

2 ***

3

4 4-702 - Permitted uses.

5 The following uses are permitted in the CR zone:

6 (A) ~~Church~~Reserved;

7 (A.1) Recreation and entertainment use, indoor and outdoor;

8 (A.2) ~~Fraternal or private club~~;

9 (A.3) ~~Funeral home~~;

10 (B) Health and athletic club or fitness studio, indoor;

11 ***

12 (E) ~~Personal service establishment~~;

13 (E.1) ~~Outdoor dining located on private property at a commercial complex~~Place of worship;

14 (E.2) ~~Private school, commercial~~Outdoor dining located on private property at a commercial complex;

15 (E.3) ~~Public school~~Private school, academic;

16 (E.4) ~~Private school, commercial~~;

17 (E.5) ~~Public building~~;

18 (E.6) ~~Public school~~;

19 (E.47) Recreation and entertainment use, indoor and outdoor;

20 (F) ~~Restaurant, pursuant to section 7-1900~~;

21 (G) ~~Retail shopping establishment~~;

22 ***

23

24

25 4-702.1 - Administrative special uses.

26 The following uses may be allowed in the CR zone with administrative approval, subject to
27 section 11-513 of this ordinance:

28 ***

29 (F) ~~Reserved~~;

30 (G) Valet parking.

31

32 4-703 - Special uses.

33 The following uses may be allowed in the CR zone pursuant to a special use permit:

34 ***

35 (B) ~~Bus shelter on private property~~Reserved;

36 (C) ~~Any use with live entertainment~~Live entertainment, with any use;

37 ***

38

39 4-707 - Use limitations.

40 (A) All ~~operations, including~~ storage, shall be ~~conducted~~located within a completely
41 enclosed building, ~~with the exception of outdoor uses pursuant to section 4-700 and City
42 Code section 5-2-29, as applicable~~.

43 ***

44 (C) ~~And~~Day care centers and private academic schools for compulsory school age students
45 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
46 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and

1 vehicular traffic. ~~The~~ Day care centers and private academic schools must obtain
2 approval of the plan prior to opening its place of business.

3 (D) Retail shopping establishments with a principal use selling tobacco products, nicotine
4 vapor products, alternative nicotine products, or hemp products intended for smoking are
5 prohibited on property within 1,000 linear feet of a child day care center, or a public or
6 private academic early childhood, elementary, middle, or high school. Any such use in
7 operation prior to July 1, 2024, may continue to operate at its existing location, but
8 Article XII does not apply.

9 ***

10 (E) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
11 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
12 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
13 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
14 ~~peace, or comfort of persons beyond the property line. When either two or more~~
15 ~~complaints from the same complainant concerning the same condition or one or more~~
16 ~~complaints from two or more distinct complainants concerning the same condition are~~
17 ~~received and verified, the director will send written notice to the person responsible.~~
18 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
19 ~~The control plan must specify corrective measures and a timeline for implementation,~~
20 ~~drawing on best available control technologies and recognized industry best practices.~~
21 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
22 ~~and require monitoring or inspections to verify compliance.~~

23 ***

24 Sec. 4-800 - OC/Office commercial zone.

25 ***

26 4-802 - Permitted uses.

27 The following uses are permitted in the OC zone:

28 ***

29 (E) ~~Church~~ Child or elder care home, as permitted by section 7-500;

30 ***

31 (E.2) ~~Health and athletic club or fitness studio~~ Fraternal or private club;

32 (E.3) Funeral home;

33 (E.4) Health and athletic club or fitness studio, indoor;

34 ***

35 (H) Personal service establishment;

36 (H.1) Place of worship;

37 (H.2) Private school, academic;

38 ***

39 (I.1) Public school Public building;

40 (I.2) Public school;

41 ***

42 (K) ~~Retail shopping establishments~~, up to 20,000 gross square feet;

43 (K.1) ~~Restaurant located within a commercial complex or hotel~~, pursuant to section 7-1900;

44 ***

1 4-802.1 - Administrative special uses.

2 The following uses may be allowed in the OC zone with administrative approval, subject to
3 section 11-513 of this ordinance:

4 ***

5 (B) ~~Restaurant~~Child or elder care home, other than pursuant to section 4-802;

6 ***

7 (F) ~~Reserved~~;

8 (G) Valet parking.

9 4-803 - Special uses.

10 The following uses may be allowed in the OC zone pursuant to a special use permit:

11 (A) ~~Any use with live entertainment~~Reserved;

12 ***

13 (C.1) ~~Bus shelter on private property~~;

14 ***

15 (K) ~~Fraternal or private club~~;

16 (L) ~~Funeral home~~;

17 (M) ~~Reserved~~;

18 (N) ~~Reserved~~;

19 (O) Homeless shelter;

20 (P) Hospital;

21 (QL) Hotel;

22 (RM) Interstate bus station;

23 (SN) Light automobile repair;

24 (O) Live entertainment, with any use;

25 (TP) Medical care facility;

26 (UQ) Motor vehicle parking or storage for more than 20 vehicles;

27 (V) ~~Reserved~~;

28 (WR) Nursing or convalescent home or hospice;

29 (W.1S) Outdoor dining on private property, other than pursuant to sections 4-802 and 4-
30 802.1;

31 (W.2T) Outdoor market, other than pursuant to section 4-802.1;

32 (W.3U) Outdoor garden center other than pursuant to section 4-802.1;

33 (X) ~~Private school, academic, with more than 20 students on the premises at one time~~;

34 (Y) ~~Public building~~;

35 (ZV) Research and testing laboratory;

36 (AAW) Recreation and entertainment use, outdoor;

37 (AA.1X) ~~Retail shopping establishments~~, larger than 20,000 gross square feet;

38 (BB) ~~Reserved~~;

39 (CCY) Wholesale business.

40 ***

1
2 4-807 - Use limitations.

3 (A) All ~~operations, including storage, shall be conducted~~located within a completely
4 enclosed building, ~~with the exception of outdoor uses pursuant to section 4-800 and City~~
5 ~~Code section 5-2-29, as applicable.~~

6 (B) ~~Appliance sales, repair and rental shall be limited to small appliances only, such~~
7 ~~as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and~~
8 ~~like items which do not exceed one horsepower in size.~~ Reserved.

9 ***

10 (D) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
11 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
12 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
13 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
14 ~~peace, or comfort of persons beyond the property line. When either two or more~~
15 ~~complaints from the same complainant concerning the same condition or one or more~~
16 ~~complaints from two or more distinct complainants concerning the same condition are~~
17 ~~received and verified, the director will send written notice to the person responsible.~~
18 Within 30 days, the person responsible shall submit a written control plan to the director.
19 The control plan must specify corrective measures and a timeline for implementation,
20 drawing on best available control technologies and recognized industry best practices.
21 The director may require modifications to the control plan, impose reasonable deadlines,
22 and require monitoring or inspections to verify compliance.

23 (E) ~~A day care center or commercial school shall obtain all required state, federal and local~~
24 ~~licenses and certificates prior to opening its place of business~~ Reserved.

25 (F) ~~A~~dDay care centers and private academic schools for compulsory school age students
26 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
27 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
28 vehicular traffic. ~~The~~ dDay care centers and private academic schools must obtain
29 approval of the plan prior to opening its place of business.

30 ***

31 (H) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
32 vapor products, alternative nicotine products, or hemp products intended for smoking are
33 prohibited on property within 1,000 linear feet of a child day care center, or a public or
34 private academic early childhood, elementary, middle, or high school. Any such use in
35 operation prior to July 1, 2024, may continue to operate at its existing location, but
36 Article XII does not apply.

37 ***

38 Sec. 4-900 - OCM (50)/Office commercial medium (50) zone.

39 ***

40

41 4-902 - Permitted uses.

42 The following uses are permitted in the OCM (50) zone:

43 ***

44 (E) ~~Church~~Child or elder care home, as permitted by section 7-500;

45 ***

(N) Live entertainment, with any use;

(TO) Medical care facility;

(UP) Motor vehicle parking or storage for more than 20 vehicles;

~~(V) Reserved;~~

(WQ) Nursing or convalescent home or hospice;

(W.IR) Outdoor dining on private property, other than pursuant to sections 4-902 and 4-902.1;

(W.2S) Outdoor garden center, other than pursuant to section 4-902.1;

(W.3T) Outdoor market, other than pursuant to section 4-902.1;

Private school, academic, with more than 20 students on the premises at any one time;

~~(Y) Public building;~~

(ZU) Recreation and entertainment use, outdoor;

(AAV) Research and testing laboratory;

(AA.1W) ~~Retail shopping establishments~~, larger than 20,000 gross square feet;

~~(BB) Reserved;~~

(€€X) Wholesale business.

4-906 - Use limitations.

(A) All operations, including storage, shall be conducted located within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-900 and City Code section 5-2-29, as applicable.

(B) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~ Reserved.

(D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

(E) A day care center or commercial school shall obtain all required state, federal and local licenses and certificates prior to opening its place of business. Reserved.

(F) ~~And~~Day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~students and creates minimal impact on pedestrian and vehicular traffic. ~~The~~Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.

1 ***

2 (H) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
3 vapor products, alternative nicotine products, or hemp products intended for smoking are
4 prohibited on property within 1,000 linear feet of a child day care center, or a public or
5 private academic early childhood, elementary, middle, or high school. Any such use in
6 operation prior to July 1, 2024, may continue to operate at its existing location, but
7 Article XII does not apply.

8 ***

9

10 Sec. 4-1000 - OCM(100)/Office commercial medium (100) zone.

11 ***

12

13 4-1002 - Permitted uses.

14 The following uses are permitted in the OCM (100) zone:

15 ***

16 (E) ~~Church~~Child or elder care homes, permitted by section 7-500;

17 ***

18 (E.2) ~~Health and athletic club or fitness studio~~Fraternal or private club;

19 (E.3) Funeral home;

21 (E.4) Health and athletic club or fitness studio, indoor;

22 ***

23 (H) ~~Personal service establishment~~;

24 (H.1) Place of worship;

25 (H.2) Private school, academic;

26 ***

27 (I.1) ~~Public school~~Public building;

28 (I.2) Public school;

29 ***

30 (K) ~~Retail shopping establishments~~, up to 20,000 gross square feet;

31 (K.1) ~~Restaurant, located within a commercial complex, hotel or industrial or flex space center, pursuant to section 7-1900~~;

32 ***

33

34 4-1002.1 - Administrative special uses.

35 The following uses may be allowed in the OCM (100) zone with administrative approval, subject
36 to section 11-513 of this ordinance:

37 ***

38 (A.3) Child or elder care home, other than pursuant to section 4-1002;

39 ***

40 (F) ~~Restaurant~~;

41 (G) ~~Valet parking~~;

42 (H) ~~Reserved~~;

43 (I) ~~Reserved~~.

1
2 4-1003 - Special uses.

3 The following uses may be allowed in the OCM (100) zone pursuant to a special use permit:

4 (A) ~~Any use with live entertainment~~ Reserved;

5 ***

6 (C.1) ~~Bus shelter on private property~~;

7 ***

8 (H) Reserved;

9 (H.1) Day labor agency;

10 (I) Reserved;

11 (J) Drive through facility;

12 (K) Fraternal or private club;

13 (L) Funeral home;

14 (M) Reserved;

15 (N) Continuum of care facility;

16 (O) Homeless shelter;

17 (P) Hospital;

18 (Q) Hotel;

19 (R) Interstate bus station;

20 (R.1) Light assembly, service, and crafts, other than pursuant to section 4-1002.1(H.1);

21 (S) Light automobile repair, other than pursuant to section 4-1002.1;

22 (Q) Live entertainment, with any use;

23 (T) Medical care facility;

24 (U) Motor vehicle parking or storage for more than 20 vehicles;

25 (V) Reserved;

26 (W) Nursing or convalescent home or hospice;

27 (W.1) Outdoor dining on private property, other than pursuant to sections 4-1002 and 4-1002.1;

28 (W.2) Outdoor market, other than pursuant to section 4-1002.1;

29 (W.3) Outdoor garden center, other than pursuant to section 4-1002.1;

30 (X) ~~Private school, academie~~;

31 (Y) ~~Public building~~;

32 (Z) Research and testing;

33 (AA) Recreation and entertainment use, outdoor;

34 (AA.1) ~~Retail shopping establishments~~, larger than 20,000 gross square feet;

35 (BB) Reserved;

36 (BB.1) Single-unit, two-unit, townhouse, and multi-unit dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

37 (CC) Wholesale business.

38 ***

39

40 4-1006 - Use limitations.

41 (A) ~~All operations, including storage, shall be conducted located~~ within a completely
42 enclosed building, ~~with the exception of outdoor uses pursuant to section 4-1000 and~~
43 ~~City Code section 5-2-29, as applicable.~~

1 (B) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as~~
2 ~~televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like~~
3 ~~items which do not exceed one horsepower in size.~~ Reserved.

4 ***

5 (D) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
6 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
7 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
8 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
9 ~~peace, or comfort of persons beyond the property line. When either two or more~~
10 ~~complaints from the same complainant concerning the same condition or one or more~~
11 ~~complaints from two or more distinct complainants concerning the same condition are~~
12 ~~received and verified, the director will send written notice to the person responsible.~~
13 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
14 ~~The control plan must specify corrective measures and a timeline for implementation,~~
15 ~~drawing on best available control technologies and recognized industry best practices.~~
16 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
17 ~~and require monitoring or inspections to verify compliance.~~

18 (E) ~~A day care center or commercial school shall obtain all required state, federal and local~~
19 ~~licenses and certificates prior to opening its place of business~~ Reserved.

20 (F) ~~A d~~Day care centers and private academic schools for compulsory school age students
21 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
22 the safe transfer of ~~eh~~children students and creates minimal impact on pedestrian and
23 vehicular traffic. ~~The d~~Day care centers and private academic schools must obtain
24 approval of the plan prior to opening its place of business.

25 ***

26 (H) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
27 vapor products, alternative nicotine products, or hemp products intended for smoking are
28 prohibited on property within 1,000 linear feet of a child day care center, or a public or
29 private academic early childhood, elementary, middle, or high school. Any such use in
30 operation prior to July 1, 2024, may continue to operate at its existing location, but
31 Article XII does not apply.

32 ***

34 Sec. 4-1100 - OCH/Office commercial high zone.

35 ***

37 4-1102 - Permitted uses.

38 The following uses are permitted in the OCH zone:

39 ***

40 (E) ~~Church~~Reserved;

41 ***

42 (E.2) ~~Health and athletic club or fitness studio~~Fraternal or private club;

43 (E.3) Funeral home;

44 (E.4) Health and athletic club or fitness studio, indoor;

45 ***

46 (J) Personal service establishment, on the same lot as office use;

1 (J.1) Place of worship;

2 (J.2) Private school, academic;

3 ***

4 (K.1) ~~Public school~~ Public building;

5 (K.2) Public school;

6 ***

7 (L.2) Restaurant located within a commercial complex or hotel, pursuant to section 7-1900;

8 (M) Retail shopping establishments, on the same lot as office use, up to 20,000 gross square
9 feet;

10 ***

11

12 4-1102.1 - Administrative special uses.

13 The following uses may be allowed in the OCH zone with administrative approval, subject to
14 section 11-513 of this ordinance:

15 ***

16 (A.2) Child or elder care home, other than pursuant to section 4-1102;

17 ***

18 (F) Restaurant;

19 (G) Valet parking;

20 (H) Reserved;

21 (I) Reserved.

22

23 4-1103 - Special uses.

24 The following uses may be allowed in the OCH zone pursuant to a special use permit:

25 (A) Any use with live entertainment Reserved;

26 ***

27 (C.1) Bus shelter on private property;

28 ***

29 (J) Fraternal or private club;

30 (K) Funeral home;

31 (L) Reserved;

32 (M) Reserved;

33 (N) Homeless shelter;

34 (OK) Hotel;

35 (PKL) Interstate bus station;

36 (QM) Light automobile repair;

37 (N) Live entertainment, with any use;

38 (RQ) Motor vehicle parking or storage for more than 20 vehicles;

39 (SP) Medical care facility;

40 (TQ) Nursing or convalescent home or hospice;

41 (T.1R) Outdoor dining on private property, other than pursuant to sections 4-1102 and 4-1102.1;

42 (T.2S) Outdoor market, other than pursuant to section 4-1102.1;

43 (T.3T) Outdoor garden center, other than pursuant to section 4-1102.1;

44 (U) Private school, academic, with more than 20 students on the premises at one time;

45 (V) Public building;

- (WU) Recreation and entertainment use, outdoor;
- (X) ~~Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;~~
- (X.IV) ~~Retail shopping establishments, on the same lot as office use, larger than 20,000 gross square feet;~~
- (Y) Reserved;
- (Y.IW) Single-unit, two-unit, townhouse and multi-unit dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (ZX) Wholesale business.

4-1106 - Use limitations.

(A) All operations, including storage, shall be conducted located within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-1100 and City Code section 5-2-29, as applicable.

(C) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~ Reserved.

(D) ~~No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.~~

(E) ~~A day care center or commercial school shall obtain all required state, federal and local licenses and certificates prior to opening its place of business~~ Reserved.

(F) ~~Ad~~ Day care centers and private academic schools for compulsory school age students for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and vehicular traffic. ~~The~~ Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.

(H) Retail shopping establishments with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in

1 operation prior to July 1, 2024, may continue to operate at its existing location, but
2 Article XII does not apply.

3 ***

4

5 Sec. 4-1200 - I/Industrial zone.

6 ***

7

8 4-1202 - Permitted uses.

9 The following uses are permitted in the I zone:

10 ***

11 (G.1) Church;

12 ***

13 (I.1) Fraternal or private club;

14 ***

15 (L) Health and athletic club or fitness studio, indoor;

16 ***

17 (S) Personal service ~~establishment~~;

18 (S.1) Place of worship;

19 ***

20 (T.1) Private school, ~~commercial-academic~~;

21 (T.2) Private school, commercial;

22 (T.3) Public building;

23 (T.4) Public school;

24 ***

25 (V.1) Restaurant, pursuant to section 7-1900 located within a commercial complex or hotel;

26 (V.2) Retail ~~shopping establishment~~, up to 20,000 gross square feet;

27 ***

28 (Y) Storage buildings and warehouses:

29 (1) Up to 40,000 gross square feet, or

30 (2) Located within buildings existing prior to [DATE OF ADOPTION], regardless of
31 size;

32 ***

33 (DD) In buildings constructed after December 16, 2023, uses occupying the first floor shall
34 be limited to the following:

35 (1) Building lobby with 30 feet of frontage or less;

36 (2) Health and athletic club or fitness studio;

37 (3) Personal service establishment;

38 (4) Recreation and entertainment uses, indoor;

39 (5) Restaurants pursuant to 4-1202(V.1) or 4-1292.1(A.1);

40 (6) Retail shopping establishment;

41 For purposes of this subsection, first floor shall include the space located within the
42 first 50 feet of depth of a building as measured from the front building wall.

43

44 4-1202.1 - Administrative special uses.

45 The following uses may be allowed in the I zone with administrative approval, subject to section
46 11-513 of this ordinance:

- (A) Automobiles, recreational vehicles, and trailer rental or sales area;
- (A.1) Restaurant;
- (A.2) Day care center;
- (B) Reserved;
- (B.1) Motor vehicle parking or storage for more than 20 vehicles;

- (F) Reserved;
- (F.1) Private school, academic;
- (G) Valet parking.

4-1203 - Special uses.

The following uses may be allowed in the I zone pursuant to a special use permit:

- (A.1) Any use with indoor live entertainment;
- (B) Automobiles, recreational vehicles, and trailer rental or sales area, other than pursuant to section 4-1202.1;
- (D) Bus shelter on private propertyReserved;
- (K.1) Live entertainment, with any use;
- (Q) Public buildingReserved;
- (Q.1) Public school;
- (R.2) Retail shopping establishment, larger than 20,000 gross square feet;
- (S.1) Storage buildings and warehouses, other than pursuant to section 4-1202;

4-1206 - Use limitations.

(A) All uses and operations shall be conducted within a completely enclosed building or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director, with the exception of outdoor uses pursuant to this section 4-1200 and City Code section 5-2-29, as applicable.

(B) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices.

The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

(C) AdDay care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and vehicular traffic. The AdDay care centers and private academic schools must obtain approval of the plan prior to opening its place of business.

* * *

(F) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

Sec. 4-1300 - UT/Utilities and transportation.

4-1303 - Special uses.

The following uses may be allowed in the UT zone pursuant to a special use permit:

(A) ~~Bus shelter on private property~~ Reserved;

* * *

4-1306 - Use limitations.

(A) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

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

4-1403 - Permitted uses.

(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, pawnshops, check cashing, payday loan and title loan businesses;

* * *

(4) Restaurants, when located within a commercial complex or hotel, pursuant to section 7-1900;

(5) Day care center, with a frontage of less than 30 feet along Mount Vernon Avenue;

(5.1) Fraternal or private club, with a frontage of less than 30 feet along Mount Vernon Avenue;

(7) Recreation and entertainment use, indoor;

(8) Health and athletic club or fitness studio, indoor, if located within a commercial complex, hotel or office complex or with a frontage of less than 30 feet along Mount Vernon Avenue;

* * *

(11) Public building.

(B) Permitted uses above the ground floor:

(3) ChurchPlace of worship;
(3.1) Day care center;
(3.2) Fraternal or private club;
(3.3) Health and athletic club;

100

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.2) ~~Live theater~~ Reserved;

- (D) Restaurant;
- (E) Reserved;
- (F) Valet parking.
- (G) Reserved;
- (H) Reserved;
- (I) Reserved.

4-1404 - Special uses.

40 The following uses may be allowed with a special use permit:

(A) Any use with live entertainment Reserved;

(B.1) Bus shelter on private property;

(D) Fraternal or private club, with a frontage of 30 feet or more along Mount Vernon Avenue;

- (E) Health and athletic club or fitness studio, indoor, other than pursuant to section 4-1403(A)(8) with a frontage of 30 feet or more along Mount Vernon Avenue;
- (F) Live theater, other than pursuant to section 4-1403. Day care center with a frontage of 30 feet or more along Mount Vernon Avenue;
- (H) Live theater, other than pursuant to section 4-1403. 1 Live entertainment, with any use;
- (K.1) Private school, commercial, with a frontage of more than 30 feet or more along Mount Vernon Avenue;
- (L) Public building Reserved;
- (O) Reserved;
- (P) Reserved;
- (Q) Reserved;
- (R) Reserved;
- (S) Reserved

4-1413 - Use limitations.

- (A) All operations, including storage, shall be conducted located within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-1400 and City Code section 5-2-29, as applicable.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size. Reserved.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right of way in a safe, clean and attractive fashion, as reasonably determined by the director. Reserved.
- (E) A day care center or commercial school shall obtain all required state, federal and local licenses and certificates prior to opening its place of business Reserved.
- (F) A day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and

1 vehicular traffic. ~~The~~ Day care centers and private academic schools must obtain
2 approval of the plan prior to opening its place of business.

3 ***

4 (H) Retail ~~shopping~~ establishments with a principal use selling tobacco products, nicotine
5 vapor products, alternative nicotine products, or hemp products intended for smoking
6 are prohibited on property within 1,000 linear feet of a child day care center, or a public
7 or private academic early childhood, elementary, middle, or high school. Any such use
8 in operation prior to July 1, 2024, may continue to operate at its existing location, but
9 Article XII does not apply.

10 ***

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

14 Sec. 5-100 - CRMU-L/Commercial residential mixed use (low).

15 ***

16 5-102 - Permitted uses.

17 The following uses are permitted in the CRMU-L zone:

18 ***

19 (C.1) ~~Church~~Child or elder care home; as permitted by section 7-500;

20 ***

21 (C.3) Health and athletic club or fitness studio, indoor;

22 ***

23 (F) Personal service ~~establishment~~;

24 (F.1) Place of worship;

25 (F.2) Private school, academic;

26 (F.43) ~~Private school, commercial~~;

27 (F.4) Public building;

28 (F.25) ~~Public school~~;

29 ***

30 (G.2) Restaurant located ~~within a commercial complex or hotel~~, pursuant to section 7-1900;

31 (H) Retail ~~shopping~~ establishments, up to 20,000 gross square feet;

32 ***

33 5-102.1 - Administrative special uses.

34 The following uses may be allowed in the CRMU-L zone with administrative approval, subject
35 to section 11-513 of this ordinance:

36 ***

37 (A) Child or elder care home, other than pursuant to section 5-102;

38 (A.1) Co-living dwelling, not to exceed two units;

39 ***

40 (E) Restaurant;

41 (F) Valet parking.

1 5-103 - Special uses.

2 The following uses may be approved, pursuant to the procedures and regulations for special use
3 permits and subject to the criteria of section 5-109 below:

4 ***

5 (B.1) ~~Bus shelter on private property;~~

6 ***

7 (M) ~~Private school, academic, with more than 20 students on the premises at one time;~~

8 (NM) ~~Recreation and entertainment use, outdoor;~~

9 (ON) ~~Retail shopping establishments, larger than 20,000 gross square feet.~~

10 5-110 - Use limitations.

11 (A) ~~A day care center or commercial school shall obtain all required state, federal and local
12 licenses and certificates prior to opening its place of business.~~ Reserved.

13 (B) ~~A~~ Day care centers and private academic schools for compulsory school age students
14 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
15 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
16 vehicular traffic. The ~~A~~ Day care centers and private academic schools must obtain
17 approval of the plan prior to opening its place of business.

18 ***

19 (D) All ~~commercial operations, including storage,~~ shall be ~~conducted~~ located within a
20 completely enclosed building, ~~with the exception of outdoor uses pursuant to section 5-100 and City Code section 5-2-29~~, as applicable.

21 (D.1) ~~Outdoor dining and outdoor retail display and sales in a parklet shall comply with the
22 requirements of section 7-1500.~~

23 (D.2) ~~Outdoor display and sales of retail merchandise is permitted on a public sidewalk
24 immediately in front of an associated storefront for a retail use:~~

25 (1) ~~During business operational hours;~~

26 (2) ~~Allowing for a minimum of five feet clearance on the sidewalk for pedestrian
27 traffic; and~~

28 (3) ~~In accordance with section 5-2-29 of the City Code.~~

29 (E) ~~Retail shopping establishments with a principal use selling tobacco products, nicotine
30 vapor products, alternative nicotine products, or hemp products intended for smoking are
31 prohibited on property within 1,000 linear feet of a child day care center, or a public or
32 private academic early childhood, elementary, middle, or high school. Any such use in
33 operation prior to July 1, 2024, may continue to operate at its existing location, but
34 Article XII does not apply.~~

35 (F) ~~No use shall be conducted in any manner which would render it noxious or offensive by
36 reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses
37 shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a
38 nuisance by creating a substantial and unreasonable interference with the health, safety,
39 peace, or comfort of persons beyond the property line. When either two or more
40 complaints from the same complainant concerning the same condition or one or more
41 complaints from two or more distinct complainants concerning the same condition are
42 received and verified, the director will send written notice to the person responsible.
43 Within 30 days, the person responsible shall submit a written control plan to the director.
44 The control plan must specify corrective measures and a timeline for implementation.~~

1 drawing on best available control technologies and recognized industry best practices.
2 The director may require modifications to the control plan, impose reasonable deadlines,
3 and require monitoring or inspections to verify compliance.

4 ***

5
6 Sec. 5-200 - CRMU-M/Commercial residential mixed use (medium).

7 ***

8
9 5-202 - Permitted uses.

10 The following uses are permitted in the CRMU-M zone:

11 ***

12 (C.1) ChurchChild or elder care home; as permitted by section 7-500;

13 ***

14 (C.3) Health and athletic club or fitness studio, indoor;

15 ***

16 (F) Personal service ~~establishment~~;

17 (F.1) Place of worship;

18 (F.2) Private school, academic;

19 (F.43) Private school, commercial;

20 (F.4) Public building;

21 (F.25) Public school;

22 ***

23 (G.2) Restaurant ~~located within a commercial complex or hotel, pursuant to section 7-1900~~;

24 (H) Retail ~~shopping~~ establishment, up to 20,000 gross square feet;

25 ***

26
27 5-202.1 - Administrative special uses.

28 The following uses may be allowed in the CRMU-M zone with administrative approval, subject
29 to section 11-513 of this ordinance:

30 ***

31 (A) Child or elder care home, other than pursuant to section 5-202;

32 (A.1) Co-living dwelling, not to exceed two units;

33 ***

34
35 (E) Restaurant;

36 (F) Valet parking.

37
38 5-203 Special uses.

39 The following uses may be approved, pursuant to the procedures and regulations for special use
40 permits and subject to the criteria of section 5-209 below:

41 ***

42 (B.1) ~~Bus shelter on private property~~;

43 ***

44 (M) ~~Private school, academic, with more than 20 students on the premises at one time~~;

45 (NM) Recreation and entertainment use, outdoor;

46 (ON) ~~Retail shopping establishment~~, larger than 20,000 gross square feet.

1 ***

2

3 5-210 - Use limitations.

4 (A) ~~A day care center or commercial school shall obtain all required state, federal and local~~
5 ~~licenses and certificates prior to opening its place of business.~~ Reserved.

6 (B) ~~A~~Day care centers and private academic schools for compulsory school age students
7 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
8 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
9 vehicular traffic. ~~The~~Day care centers and private academic schools must obtain
10 approval of the plan prior to opening its place of business.

11 ***

12 (D) ~~All operations, including storage, shall be conducted located~~ within a completely
13 enclosed building, ~~with the exception of outdoor uses pursuant to section 5-200 and City~~
14 ~~Code section 5-2-29, as applicable.~~

15 (E) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
16 vapor products, alternative nicotine products, or hemp products intended for smoking are
17 prohibited on property within 1,000 linear feet of a child day care center, or a public or
18 private academic early childhood, elementary, middle, or high school. Any such use in
19 operation prior to July 1, 2024, may continue to operate at its existing location, but
20 Article XII does not apply.

21 (F) ~~No use shall be conducted in any manner which would render it noxious or~~
22 ~~offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or~~
23 ~~glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they~~
24 ~~do not create a nuisance by creating a substantial and unreasonable interference with the~~
25 ~~health, safety, peace, or comfort of persons beyond the property line. When either two or~~
26 ~~more complaints from the same complainant concerning the same condition or one or~~
27 ~~more complaints from two or more distinct complainants concerning the same condition~~
28 ~~are received and verified, the director will send written notice to the person responsible.~~
29 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
30 ~~The control plan must specify corrective measures and a timeline for implementation,~~
31 ~~drawing on best available control technologies and recognized industry best practices.~~
32 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
33 ~~and require monitoring or inspections to verify compliance.~~

34 ***

35

36 Sec. 5-300 - CRMU-H/Commercial residential mixed use (high).

37 ***

38

39 5-302 - Permitted uses.

40 The following uses are permitted in the CRMU-H zone:

41 ***

42 (C.1) ~~Church~~Child or elder care home; as permitted by section 7-500;

43 ***

44 (C.3) Health and athletic club or fitness studio, indoor;

45 ***

46 (F) Personal service ~~establishment~~;

1 (F.1) Place of worship;
2 (F.2) Private school, academic;
3 (F.43) Private school, commercial;
4 (F.4) Public building;
5 (F.25) Public school;
6 ***

7 (G.2) Restaurant, pursuant to section 7-1900;
8 (H) Retail shopping establishment, up to 20,000 gross square feet;
9 ***

10 5-302.1 - Administrative special uses.

11 The following uses may be allowed in the CRMU-H zone with administrative approval, subject
12 to section 11-513 of this ordinance:

13 ***
14 (A) Child or elder care home, other than pursuant to section 5-302;
15 (A.1) Co-living dwelling, not to exceed two units;
16 ***
17 (E) Restaurant;
18 (F) Valet parking.

19 5-303 - Special uses.

20 The following uses may be approved, pursuant to the procedures and regulations for special use
21 permits and subject to the criteria of section 5-309 below:

22 ***
23 (B.1) Bus shelter on private property;
24 ***
25 (M) Private school, academic, with more than 20 students on the premises at one time;
26 (NM) Recreation and entertainment use, outdoor;
27 (ON) Retail shopping establishments, larger than 20,000 gross square feet.
28 ***

29 5-310 - Use limitations.

30 (A) A day care center or commercial school shall obtain all required state, federal and local
31 licenses and certificates prior to opening its place of business. Reserved.
32 (B) AdDay care centers and private academic schools for compulsory school age students
33 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
34 the safe transfer of children students and creates minimal impact on pedestrian and
35 vehicular traffic. The dDay care centers and private academic schools must obtain
36 approval of the plan prior to opening its place of business.
37 ***
38 (D) All commercial operations, including storage, shall be conducted located within a
39 completely enclosed building, with the exception of outdoor uses pursuant to section 5-
40 300 and City Code section 5-2-29, as applicable.
41 (E) Retail shopping establishments with a principal use selling tobacco products, nicotine
42 vapor products, alternative nicotine products, or hemp products intended for smoking are
43 prohibited on property within 1,000 linear feet of a child day care center, or a public or

1 private academic early childhood, elementary, middle, or high school. Any such use in
2 operation prior to July 1, 2024, may continue to operate at its existing location, but
3 Article XII does not apply.

4 (F) ~~No use shall be conducted in any manner which would render it noxious or offensive by~~
5 ~~reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses~~
6 ~~shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a~~
7 ~~nuisance by creating a substantial and unreasonable interference with the health, safety,~~
8 ~~peace, or comfort of persons beyond the property line. When either two or more~~
9 ~~complaints from the same complainant concerning the same condition or one or more~~
10 ~~complaints from two or more distinct complainants concerning the same condition are~~
11 ~~received and verified, the director will send written notice to the person responsible.~~
12 ~~Within 30 days, the person responsible shall submit a written control plan to the director.~~
13 ~~The control plan must specify corrective measures and a timeline for implementation,~~
14 ~~drawing on best available control technologies and recognized industry best practices.~~
15 ~~The director may require modifications to the control plan, impose reasonable deadlines,~~
16 ~~and require monitoring or inspections to verify compliance.~~

17 ***

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

19 ***

20 5-402 - Permitted uses.

21 The following uses are permitted in the CRMU-X zone:

22 (A) Single-unit dwelling;
23 (A.1B) Two-unit dwelling;
24 (A.2C) Townhouse dwelling;
25 (A.11D) Multi-unit dwelling;
26 (A.3E) Auxiliary dwelling, not to exceed for units;
27 (E) Accessory uses, as permitted by section 7-100;
28 (D) Business and professional office, above the ground floor;
29 (A.3.1H) ~~Church~~Child or elder care home; as permitted by section 7-500;
30 (A.5I) Day care center;
31 (J) Fraternal or private club;
32 (F) Health and athletic club or fitness studio, indoor;
33 (E) Health profession office, above the ground floor;
34 (A.4M) Motor vehicle parking or storage for 20 vehicles or fewer;
35 (H) Outdoor dining located on private property within a commercial complex.
36 (A.6O) Personal service establishment;
37 (P) Place of worship;
38 (Q) Private school, academic;
39 (A.7R) Private school, commercial;
40 (S) Public building;
41 (A.8T) Public school;
42 (A.9U) Recreation and entertainment use, indoor;
43 (A.9.1V) Restaurant ~~within a commercial complex or hotel, pursuant to section 7-1900;~~
44 (A.10W) Retail shopping establishment, up to 20,000 gross square feet;

1 (GX) Social service use;
2 (BY) Utilities, subject to section 7-1200;

3 ***

4

5 5-402.1 - Administrative special uses.

6 The following uses may be allowed in the CRMU-X zone with administrative approval, subject
7 to section 11-513 of this ordinance:

8 ***

9 (A) Child or elder care home, other than pursuant to section 5-402;

10 (A.1) Co-living dwelling, not to exceed two units;

11 ***

12 (E) ~~Restaurant~~;

13 (F) Valet parking.

14

15 5-403 - Special uses.

16 The following uses may be approved, subject to the procedures and regulations for special use
17 permits and subject to the limitations of section 5-609 below:

18 ***

19 (E) ~~Bus shelter on private property;~~

20 (E.1) Co-living dwelling, other than pursuant to section 5-402.1;

21 ***

22 (I) ~~Fraternal or private club;~~

23 (J) ~~Reserved;~~

24 (K) Health profession office, on the ground floor of buildings facing the sidewalk;

25 (L) Hotel;

26 (M) Medical care facility;

27 (N) Medical laboratory;

28 (O) ~~Reserved;~~

29 (O.1) Motor vehicle parking or storage for more than 20 vehicles;

30 (P) Nursing or convalescent home or hospice;

31 (P.1) Outdoor dining on private property, other than pursuant to sections 5-402 and 5-
32 402.1;

33 (P.2) Outdoor market, other than pursuant to section 5-402.1;

34 (P.3) Outdoor garden center, other than pursuant to section 5-402.1;

35 (Q) ~~Reserved;~~

36 (R) ~~Reserved;~~

37 (S) ~~Private school, academic, with more than 20 students on the premises at one time;~~

38 (T) ~~Public building;~~

39 (U) Radio or television broadcasting office and studio;

40 (V) Recreation and entertainment use, outdoor;

41 (W) ~~Retail shopping establishment~~, larger than 20,000 gross square feet.

42 ***

43

44 5-410 - Use limitations.

45 ***

1 (B) ~~All~~ Day care centers and private academic schools shall submit for the director's review
2 a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~ students
3 and creates minimal impact on pedestrian and vehicular traffic. ~~The~~ ~~Day~~ care centers
4 and private academic schools must obtain approval of the plan prior to opening its place
5 of business.

6 (C) All ~~operations, including~~ storage, shall be ~~conducted~~ ~~located~~ within a completely
7 enclosed building, ~~with the exception of outdoor uses pursuant to section 5-100 and City~~
8 ~~Code section 5-2-29, as applicable.~~

9 (D) Retail ~~shopping~~ establishments with a principal use selling tobacco products, nicotine
10 vapor products, alternative nicotine products, or hemp products intended for smoking are
11 prohibited on property within 1,000 linear feet of a child day care center, or a public or
12 private academic early childhood, elementary, middle, or high school. Any such use in
13 operation prior to July 1, 2024, may continue to operate at its existing location, but
14 Article XII does not apply.

15 (E) All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not
16 create a nuisance by creating a substantial and unreasonable interference with the health,
17 safety, peace, or comfort of persons beyond the property line. When either two or more
18 complaints from the same complainant concerning the same condition or one or more
19 complaints from two or more distinct complainants concerning the same condition are
20 received and verified, the director will send written notice to the person responsible.
21 Within 30 days, the person responsible shall submit a written control plan to the director.
22 The control plan must specify corrective measures and a timeline for implementation,
23 drawing on best available control technologies and recognized industry best practices.
24 The director may require modifications to the control plan, impose reasonable deadlines,
25 and require monitoring or inspections to verify compliance.

26 ***

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

28 ***

29 5-502 - Permitted uses.

30 The following uses are permitted in the W-1 zone:

31 ***

32 (C.1) Church Place of worship;

33 ***

34 (F.1) ~~Retail~~ shopping establishment, 10,000 square feet or less in size;

35 ***

36 (J) Health and athletic club or fitness studio, indoor, pursuant to section 5-509;

37 (K) Restaurant, pursuant to section 7-1900.

38 5-502.1 - Administrative special uses.

39 The following uses may be allowed in the W-1 zone with administrative approval, subject to
40 section 11-513 of this ordinance.

41 ***

42 (D) Restaurant;

43 (E) Valet parking.

1
2 5-503 - Special uses.

3 The following uses may be allowed in the W-1 zone pursuant to a special use permit:

4 (A) ~~Any use with live entertainment~~ Reserved;

5 ***

6 (E) ~~Reserved~~ Live entertainment, with any use;

7 (F) Outdoor dining on private property, other than pursuant to sections ~~5-502 and 5-502.1~~;

8 ***

9 (H) Reserved;

10 (I) Privately owned public use building such as civic auditorium or performing arts center;

11 (J) ~~Reserved~~;

12 (K) ~~Retail shopping establishment~~, other than pursuant to section 5-502(F.1);

13 (L) Reserved;

14 (M) Reserved;

15 (N) Utilities, as permitted by section 7-1200;

16 (O) Reserved;

17 (P) Uses 5,000 square feet or larger that foster art, history and cultural awareness through
18 increased understanding and training, such as museums, schools and cultural institutions.

19 ***

20
21 5-511 - Use limitations.

22 ***

23 (B) ~~A~~dDay care centers and private academic schools for compulsory school age students
24 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
25 the safe transfer of ~~eh~~ children students and creates minimal impact on pedestrian and
26 vehicular traffic. ~~After review, the director may approve, approve with conditions, or~~
27 ~~deny the plan.~~ Day care centers and private academic schools must obtain approval of the
28 plan prior to opening its place of business.

29 (C) All ~~operations, including~~ storage, shall be ~~conducted~~located within a completely
30 enclosed building, ~~with the exception of outdoor uses pursuant to section 5-500 and City~~
31 ~~Code section 5-2-29, as applicable.~~

32 (D) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
33 vapor products, alternative nicotine products, or hemp products intended for smoking are
34 prohibited on property within 1,000 linear feet of a child day care center, or a public or
35 private academic early childhood, elementary, middle, or high school. Any such use in
36 operation prior to July 1, 2024, may continue to operate at its existing location, but
37 Article XII does not apply.

38 (E) All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not
39 create a nuisance by creating a substantial and unreasonable interference with the health,
40 safety, peace, or comfort of persons beyond the property line. When either two or more
41 complaints from the same complainant concerning the same condition or one or more
42 complaints from two or more distinct complainants concerning the same condition are
43 received and verified, the director will send written notice to the person responsible.
44 Within 30 days, the person responsible shall submit a written control plan to the director.
45 The control plan must specify corrective measures and a timeline for implementation,
46 drawing on best available control technologies and recognized industry best practices.

1 The director may require modifications to the control plan, impose reasonable deadlines,
2 and require monitoring or inspections to verify compliance.

3
4 Sec. 5-600 - CDD/Coordinated development district. 5-602 - Coordinated development districts
5 created, consistency with master plan, required approvals.

6 (A) The CDD districts, as shown on Table 1, are as follows:

1
2 Table 1. Coordinated Development Districts
3
4
5

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
2	Eisenhower Avenue Metro				*** <u>church</u> place of worship ; *** retail shopping establishment; theater, live; ***

4	Winkler Tract				***retail shopping establishment, ***

7	Route 1 Properties				
		*** automobile, <u>recreational</u> vehicles, and trailer rental or sales *** automobile, <u>recreational</u> vehicles, and trailer rental or sales ***			

10	Potomac Yards/Greens				*** <u>personal service</u> , ***

19	North Potomac Yard				*** <u>amusement enterprises</u> recreation and entertainment; *** retail shopping establishment; ***

1	***				
2	23	Fillmore/Beauregard			*** <u>churches-places of worship.</u>
3	24	Oakville Triangle and Route 1 Corridor			*** <u>amusement enterprises-recreation and entertainment;</u> *** Retail <u>shopping establishment</u> ***
4	25	ABC-Giant/Old Town North			*** <u>personal service establishment;</u> *** academic or commercial, with more than 20 students on the premises at any one time; *** <u>retail shopping establishments;</u> ***
5	26	Public Storage/ Boat US			*** <u>private school, academic or commercial, with more than 20 students on the premises at any one time;</u> *** <u>retail shopping establishment;</u> ***
6	27	Greenhill/West Alexandria Properties			*** <u>automobile, recreational vehicle, and trailer rental or sales area;</u> *** <u>personal service-establishment;</u> <u>private school, academic or commercial, with more</u>
7					
8					
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					than 20 students on the premises at any one time; *** retail shopping establishment; ***
28	Greenhill South				*** amusement enterprise-recreation and entertainment; *** convenience store; *** personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; *** retail shopping establishment; ***
29	Landmark Neighborhood				*** church-place of worship; *** personal service establishment; *** retail-shopping establishment; ***
30	Potomac River Generating Station				*** church-place of worship; *** personal service establishment; *** retail-shopping establishment; ***
31	Eisenhower Conversion				*** church-place of worship; *** retail shopping establishment, over 20,000 sq. ft.; ***

1 ***
2 (E) Notwithstanding the uses that may be allowed with a CDD special use permit in each
3 CDD zone pursuant to sections 5-602(A) and 5-602(D) of this ordinance, the following
4 uses are permitted in each CDD when located in or immediately adjacent to a building
5 constructed pursuant to a CDD special use permit, unless specifically prohibited therein

6 ***
7 (1.1) Church;
8 ***

9 (6) Personal service establishment;

10 (6.1) Place of worship;

11 ***
12 (11) Restaurant, subject to section 7-1900;

13 (12) Retail-shopping establishments, up to 20,000 gross square feet;

14 ***
15 (F) Notwithstanding the uses that may be allowed with a CDD special use permit in each
16 CDD zone pursuant to sections 5-602(A) and 5-602(D) of this ordinance, the following
17 uses may be allowed in each CDD by administrative approval, pursuant to section 11-513
18 of this ordinance, when located in or immediately abutting a building constructed
19 pursuant to a CDD special use permit, unless specifically prohibited therein:

20 ***
21 (3) Retail-shopping establishment, larger than 20,000 gross square feet;

22 ***
23
24 Section 5. That Article VI of the Zoning Ordinance be, and the same hereby is,
25 amended by deleting the language shown in strikethrough and inserting new language shown in
26 underline, as follows:

27
28 Sec. 6-200 - WPR/Waterfront park and recreation zone.
29 ***

30
31 6-202 - Permitted uses.

32 The following uses are permitted in the WPR zone:
33 ***

34 (B.1) Restaurant, pursuant to section 7-1900;
35 ***

36
37 6-202.1 - Administrative special uses.

38 The following uses may be allowed in the WPR zone with administrative approval, subject to
39 section 11-513 of this ordinance.

40 (A) Restaurant Reserved;
41 ***

42
43 Sec. 6-500 - Urban overlay district (Old Town North).
44 ***

1 6-503 - Retail focus areas.
2 ***

3 (A) *Retail uses required.* One-twelfth of the area of each lot in a retail focus area,
4 multiplied by the allowable floor area ratio for the site, shall be devoted to retail focus
5 uses. The following uses, subject to the permitted and special use regulations of the
6 underlying zone, qualify as retail focus uses:

7 ~~Retail shopping establishment;~~
8 ~~Personal service establishment~~(excluding contractor's office);
9 ***

10 Sec. 6-600 - Mount Vernon Avenue urban overlay zone.
11 ***

12 6-603 - Uses.
13 ***

14 (C) *Retail and neighborhood focus uses.* Within the retail focus area, uses occupying first
15 floor space of a building shall be limited to the following:

16 (1) ~~Retail shopping establishment.~~
17 ***

18 (4) Personal service~~establishment~~, provided that the use shall occupy no more than 30
19 feet frontage on Mount Vernon Avenue, and provided further that additional
20 frontage space may be permitted with a special use permit.

21 (5) Arts and crafts studios, which are facilities where arts and crafts products are created
22 on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue
23 is devoted to retail display and sales, then the use is not considered a~~personal~~
24 ~~service-establishment~~.
25 ***

26 (D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning
27 ordinance, the following uses may be allowed by the director by administrative review
28 and approval pursuant to the standards and procedures of section 11-513.

29 (1) ~~Restaurants;~~

30 (2) Outdoor dining on private property;

31 (3) ~~Live theater;~~

32 (4) Outdoor markets;

33 (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square
34 feet;

35 (6) ~~Reserved;~~

36 (7) ~~Reserved;~~

37 (8) Valet parking.
38 ***

39 Sec. 6-700 - KR/King Street urban retail zone.
40 ***

1 6-702 - Uses.

2 ***

3 (A) *Ground floor uses.*

4 (1) *Permitted uses:*

5 ***

6 (b.1) Fraternal or private club, with a frontage of less than 30 feet along King
7 Street;

8 (c) Personal service establishment, with a frontage of less than 30 feet along King
9 Street;

10 ***

11 (d.1) Public building;

12 (d.2) Recreation and entertainment use, indoor, with frontage of less than 30 feet
13 along King Street;

14 (d.3) Restaurant, pursuant to section 7-1900;

15 (e) Retail shopping establishment, 10,000 square feet or less in size;

16 ***

17 (h) Health and athletic club or fitness studio, indoor, with frontage of less than 30
18 feet along King Street;

19 ***

20 (2) *Special uses:*

21 (a) Any use with live entertainment Reserved;

22 (b) Church Place of worship;

23 ***

24 (d) Reserved Fraternal or private club, with a frontage of 30 or more feet along
25 King Street;

26 (e) Day care center, extending for with frontage of more than 30 feet or more
27 along King Street;

28 ***

29 (e.2) Health and athletic club or fitness studio, indoor, with frontage of 30 feet or
30 more along King Street;

31 (e.3) Live entertainment, with any use;

32 ***

33 (i) Personal service establishment or building or hotel lobby, extending for more
34 than 30 feet or more along King Street;

35 (i.1) Private school, commercial, extending for more than 30 feet or more along
36 King Street;

37 ***

38 (j) Public building Reserved;

39 (k) Recreation and entertainment use, outdoor and indoor, with frontage of 30 feet
40 or more along King Street;

41 (l) Retail shopping establishment, over 10,000 square feet in size.

42 (B) *Upper floor uses.*

43 (1) *Permitted uses:*

44 ***

45 (c.2) Fraternal or private club;

1 ***
2 (d.1) Health and athletic club or fitness studio, indoor;
3 ***
4 (f) Personal service establishment;
5 (f.1) Private school, academic;
6 (f.42) Private school, commercial;
7 (f.43) Recreation and entertainment use, indoor;
8 ***
9 (2) *Special uses:*
10 ***
11 (g) Fraternal or private club Reserved;
12 ***
13 (k) Private school, academic, with more than 20 students on the premises at one
14 time Reserved;
15 (l) Reserved;
16 (m) Wholesale business.
17 (C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance,
18 the following uses may be allowed by the director by administrative review and
19 approval pursuant to the standards and procedures of section 11-513 of this ordinance:
20 ***
21 (3) Restaurant;
22 (4) Valet parking.
23 ***
24
25 6-707 - Use limitations.
26 (A) All operations, including storage, shall be conducted located within a completely
27 enclosed building, with the exception of outdoor uses pursuant to section 6-700 and City
28 Code section 5-2-29, as applicable.
29 (B) Appliance sales, repair and rental shall be limited to small appliances only, such as
30 televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like
31 items which do not exceed one horsepower in size.
32 (C) No use shall be conducted in any manner which would render it noxious or offensive by
33 reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses
34 shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a
35 nuisance by creating a substantial and unreasonable interference with the health, safety,
36 peace, or comfort of persons beyond the property line. When either two or more
37 complaints from the same complainant concerning the same condition or one or more
38 complaints from two or more distinct complainants concerning the same condition are
39 received and verified, the director will send written notice to the person responsible.
40 Within 30 days, the person responsible shall submit a written control plan to the director.
41 The control plan must specify corrective measures and a timeline for implementation,
42 drawing on best available control technologies and recognized industry best practices.
43 The director may require modifications to the control plan, impose reasonable deadlines,
44 and require monitoring or inspections to verify compliance.

1 (D) The property owner and occupant shall maintain all building and property
2 ~~appurtenances located within or over the public right of way in a safe, clean and~~
3 ~~attractive fashion, as reasonably determined by the director.~~ Reserved.
4 (E) ~~A~~dDay care centers and private academic schools for compulsory school age students
5 shall submit for the director's review a pick-up and drop-off plan that adequately ensures
6 the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and
7 vehicular traffic. ~~After review, the director may approve, approve with conditions, or~~
8 ~~deny the plan.~~ Day care centers and private academic schools must obtain approval of the
9 plan prior to opening its place of business.

10 ***

11 (G) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine
12 vapor products, alternative nicotine products, or hemp products intended for smoking are
13 prohibited on property within 1,000 linear feet of a child day care center, or a public or
14 private academic early childhood, elementary, middle, or high school. Any such use in
15 operation prior to July 1, 2024, may continue to operate at its existing location, but
16 Article XII does not apply.

17 ***

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

21 ***

22 7-101 - Permitted accessory buildings, uses and structures.

23 Permitted accessory buildings, uses and structures shall be limited to the following and any
24 additional building, use or structure which the director finds is similar to those listed in scope,
25 size and impact, is associated with a permitted building, use or structure, and is otherwise in
26 compliance with this ordinance:

27 ***

28 (P) Parking associated and not associated with the principal use on the parcel.

29 ***

30 Sec. 7-1100 - Parking trailers and recreational vehicles.

31 7-1101 - Restrictions on parking trailers in any zone.

32 The parking of a trailer in any zone is hereby prohibited with the following exceptions:

33 (A) One trailer may be parked or stored in a lawful, enclosed garage, provided that no living
34 quarters or business premises shall be maintained in such trailer.
35 (B) Trailers used as contractors' offices or equipment sheds may be parked on the site of an
36 active construction project for the duration of construction authorized by an approved
37 building permit.
38 (C) Trailers used for temporary nonresidential purposes ~~such as classrooms, banks, offices,~~
39 ~~or similar activities~~ may be parked on a lot provided approval of an administrative special
40 use permit has first been obtained, ~~except that a special use permit for trailers used for~~
41 ~~school related activities in any zone where public schools are a permitted use and in~~

1 conjunction with an ACPS school may be approved administratively subject to
2 section 11-513 of this ordinance.

3 (D) Trailers are permitted on city-owned or Alexandria City Public School property.
4 Alexandria City Public School trailers shall be used for school related activities where
5 public schools are allowed in a zone.

6 ***

7 Sec. 7-1900 - Reserved Restaurant use limitations.

8 (A) The restaurant operator shall conduct employee training sessions on an ongoing basis to
9 advise employees of these use limitations.

10 (B) No food, beverages, or other materials shall be stored outside, with the exception of
11 materials otherwise specified in this section 7-1900.

12 (C) Delivery vehicles operated and managed by the restaurant operator are permitted.
13 Delivery vehicles must park off-street when not delivering.

14 (D) Indoor limited live entertainment and live entertainment, pursuant to the use limitations
15 of the zone, are allowed.

16 (E) Chemicals, detergents, and cleaners stored outside the building shall be kept in an
17 enclosure with a roof.

18 (F) If used cooking oil is stored outside, the drum shall be kept securely closed with a bung
19 (a secure stopper that seals the drum). When the drum is not receiving used oil, it shall
20 be placed on secondary containment, and it shall be kept under cover to prevent rainwater
21 from falling on it.

22 (G) Trash and garbage shall be stored in sealed containers that do not allow odors to escape,
23 invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside
24 of those containers. Outdoor containers shall be maintained to the satisfaction of the
25 director and the director of transportation and environmental services, including replacing
26 damaged lids and repairing or replacing damaged dumpsters.

27 (H) Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any
28 cooking residue or wash water be washed into the public right-of-way or storm sewers.

29 (I) All waste products including but not limited to organic compounds (solvents and
30 cleaners) shall be disposed of in accordance with all local, state, and federal laws or
31 regulations.

32 (J) Supply deliveries and loading and unloading activities shall not occur between the hours
33 of 11 p.m. and 7 a.m.

34 ***

35 Section 7. That Sections 8-100 and 8-100 of the Zoning Ordinance be, and the same
36 hereby are, amended by deleting the language shown in strikethrough and inserting new
37 language shown in underline, as follows:

38 Sec. 8-100 - Off-street parking required.

39 (A)(1) *General requirement.* No land shall be used or changed in use, no structure or
40 building shall be constructed, and no existing structure or building shall be changed in
41 use; or significantly enlarged ~~or significantly altered~~ as those terms are defined in section

1 8-200(F)(4), unless the off-street parking required by this Article VIII is provided for the
2 entire land, structure or building.

3 ***

4

5 Sec. 8-200 - General parking regulations.

6 (A) *Schedule of requirements.* The following number of parking spaces shall be provided
7 for each use listed. In the case of any use not listed in section 8-200(A), the
8 requirements of the most similar listed use shall apply. The requirements of section 8-
9 200(A) may be reduced when special zoning allows parking reductions and the
10 required approvals of the director and the director of transportation and environmental
11 services have been obtained and the conditions of said approval are complied with.

12 ***

13 (10) *ChurchesPlaces of worship:* one space for each five seats in the principal
14 auditorium assembly area or one space for each ten classroom seats, whichever is
15 greater.

16 ***

17 (13) *Recreation and entertainment use (indoor):* one space for each ~~200 square feet of~~
18 ~~floor area on all floors.~~ Reserved.

19 (14) *Recreation and entertainment use (outdoor):* one space for each ~~400 square feet of~~
20 ~~designated use area. For the purposes of this section, designated use area does not~~
21 ~~include areas devoted exclusively to landscaping or parking.~~ Reserved.

22 ***

23 (16) *Specific commercial uses:*

24 ***

25 (c) The following uses are specific to commercial for the purposes of determining
26 parking requirements:

27 ***

28 vi. Personal service establishment.

29 ***

30 ix. Retail-shopping establishment.

31 (17) *Restaurant, health and athletic club or fitness studio, and recreation and*
32 *entertainment:*

33 (a) Within the enhanced transit area:

34 i. Minimum requirement—1.0 space per 1,000 square feet of floor
35 area.
36 ii. Maximum requirement—3.0 spaces per 1,000 square feet of floor
37 area.

38 (b) Outside the enhanced transit area:

39 i. Minimum requirement—1.0 spaces per 1,000 square feet of floor
40 area.
41 ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor
42 area.

43 ***

44 (18) *Miscellaneous commercial uses, including, but not limited to, equipment and*
45 *repair businesses, health and athletic club or fitness studios, garden centers,*

1 *outdoor markets, and funeral homes and all other commercial uses not otherwise*
2 *defined: one space for each 400 square feet of floor area.*

3 ***

4 (C) *Location of parking facilities.*

5 ***

6 (4) For all commercial or industrial uses, the distance from the off-street parking
7 facility to the commercial or industrial use which it serves shall not exceed 1,000
8 feet measured as a straight line from the nearest corner of the lot containing the
9 structure to the nearest lot line of the property with the shared parking facility,
10 provided that there are no active railroad tracks, interstate highways, or waterways
11 located between the parking facility and the uses using the parking facility and such
12 off-street parking facility shall be permitted on land ~~in a commercial or industrial~~
13 ~~zone only occupied by a nonresidential use. An application shall be filed with the~~
14 ~~director of planning and zoning for an administrative permit for off site parking on~~
15 ~~such forms and subject to such procedures as the director may establish for that~~
16 ~~purpose.~~

17 (5) For all other uses, including, but not limited to churches, private and fraternal
18 clubs, private and public schools and social service buildings, such required off-
19 street parking shall be located on the same lot as the main building or on a lot
20 immediately contiguous to the main building lot; except, that off-street parking may
21 be permitted within 3001,000 feet with a special use permit.

22 ***

23 (F) *Prior existing buildings and structures.*

24 (1) Notwithstanding the provisions of section 8-100 and except as provided in section
25 8-200(F)(3) below, no off-street parking need be provided for land actually in use
26 on June 25, 1963, for structures or buildings partially or fully constructed as of that
27 date, or for structures or buildings for which a final site plan had been approved or a
28 building permit had been applied for on that date, except as follows:
29 (a) If any such land has been changed in use or any such structure or building has
30 been changed in use, enlarged, or significantly enlarged ~~or significantly altered~~
31 between June 23, 1963, and January 27, 1987, the parking requirements of this
32 Article VIII shall apply only to such change in use, or enlargement ~~or~~
33 alteration; and
34 (b) If any such land has been changed in use or any such structure or building has
35 been changed in use, enlarged, or significantly enlarged ~~or significantly altered~~
36 after January 27, 1987, the parking requirements of this Article VIII shall apply
37 to all the land and to the entire structure or building upon completion of the
38 change in use, or significant enlargement ~~or significant alteration~~, and such
39 requirements shall apply only to the enlargement of the structure or building
40 upon its completion, unless, as of January 27, 1987, a construction ~~or~~ alteration
41 permit has been applied for and reasonably soon thereafter construction
42 activity has commenced and continues to be diligently pursued, or unless a
43 special use permit is obtained under section 7-700 or section 11-500 which
44 authorizes the change in use, enlargement, or significant enlargement ~~or~~

~~significant alteration~~ with the provision of less off-street parking than is required.

(2) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3) below, any change in use in land which had been placed in use between June 23, 1963, and January 27, 1987, and any change in use, enlargement, or significant enlargement or significant alteration of a structure or building which had been constructed between those dates shall be governed by the provisions of sections 8-200(F)(1)(a) and (b).

(3) The provisions of this section 8-200(F) shall not apply to:

- (a) ~~T~~he enlargement, or significant enlargement, or significant alteration of single-unit, two-unit, or townhouse dwellings;
- (b) ~~The significant alteration of a church; and~~
- (c) ~~The significant alteration of any dwelling unit or units that serve households at or below 60 percent Area Median Income (AMI) for 30 years or more.~~

(4) For purposes of this section 8-200(F), the following definitions shall apply:

- (a) ~~"Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to one third or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit.~~
- (b) (a) "Enlarged" and "enlargement" shall mean an addition to a structure or building which increases its floor area by less than 20 percent. In the case of uses whose parking requirements are determined by a factor other than floor area (e.g., dwelling units, seats, patient beds), these terms shall mean any action which increases this factor by less than 20 percent, whether or not accompanied by an increase in floor area.
- (b) (b) "Significantly enlarged" and "significant enlargement" shall mean an addition, or additions over any two-year period, to a structure or building which increases its floor area by 20 percent or more. In the case of uses whose parking requirements are determined by a factor other than floor area, these terms shall mean any action, or actions over the two-year period, which increases this factor by 20 percent or more, whether or not accompanied by an increase in floor area.

(6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multi-unit residential use or any structure or building has been changed in use to a multi-unit residential use, or a multi-unit dwelling has been enlarged, or significantly enlarged ~~or significantly altered~~ after May 16, 2015, the parking requirements of this Article VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, or significant enlargement ~~or significant alteration~~, however, any existing parking above the requirement may remain. This section shall

1 not apply if a construction-~~or alteration~~ permit has been applied for and reasonably
2 soon thereafter construction activity has commenced and continues to be diligently
3 pursued as of May 16, 2015, or if a special use permit is obtained under section 7-
4 700 or section 11-500 which authorizes the change in use, enlargement, or
5 significant enlargement-~~or significant alteration~~ with the provision of less off-street
6 parking than is required.

7 (7) Notwithstanding the provisions of section 8-100 above, if any land, structure, or
8 building has been changed in use to a hotel, office, restaurant, or specific
9 commercial use, or any hotel, office, restaurant, or specific commercial use has
10 been enlarged, or significantly enlarged ~~or significantly altered~~ after February 24,
11 2018, the parking requirements of this Article VIII shall apply to all the land and to
12 the entire structure or building upon completion of the change in use, or significant
13 enlargement-~~or significant alteration~~; however, any existing parking above the
14 requirement may remain. This section shall not apply if a construction-~~or alteration~~
15 permit has been applied for and reasonably soon thereafter construction activity has
16 commenced and continues to be diligently pursued as of February 24, 2018, or if a
17 special use permit is obtained under section 7-700 or section 11-500 which
18 authorizes the change in use, enlargement, or significant enlargement-~~or significant~~
19 alteration with the provision of less off-street parking than is required.

20 ***
21
22

23 Section 8. That Sections 11-511 and 11-513 of the Zoning Ordinance be, and the
24 same hereby are, amended by deleting the language shown in strikethrough and inserting new
25 language shown in underline, as follows:
26
27 ***

28 Sec. 11-500 - Special use permits.
29 ***
30
31 11-511 - Administrative amendment to SUP.
32 The director is authorized to approve the following amendments to special use permits under the
33 following circumstances and procedures:
34 ***

35 (C) Procedures.

36 (1) Change in ownership

37 (a) The director shall send email notice to the proximate civic and business
38 associations and prominently post a list of pending administrative applications
39 on the department web page for review by the public.

40 (b) An application for an administrative approval under this section 11-511 which
41 is not approved by the director shall be subject to the same procedural
42 requirements of any other application for a special use permit.

43 (c) The director is authorized to issue regulations governing administrative
44 approvals issued under this section 11-511.

(d) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal within 30 days of the director's decision. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The planning commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

(2) Minor amendment

(4a) The director shall placard the property, cause email notice to the affected civic and business associations, send eNews or equivalent electronic notice, and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.

(2b) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.

(3c) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.

(4d) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal with the department of planning and zoning within 30 days from the date of the decision appealed director's decision. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The planning commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

11-513 - Administrative special use permit.

(D) Specific standards for day care in a ~~church~~place of worship or school building.

(1) The facility shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

(21) The facility shall provide adequate drop off and pick up facilities so as to create minimal impact on child safety and pedestrian and vehicular traffic.

(32) The facility shall be located on a site so that adequate distance or buffering is provided to protect nearby residential uses from impacts from the use.

(E) Reserved Specific standards for private schools, academic in a place of worship.

(1) The facility shall provide adequate drop off and pick up facilities so as to create minimal impact on child safety and pedestrian and vehicular traffic.

(2) The facility shall be located on a site so that adequate distance or buffering is provided to protect nearby residential uses from impacts from the use

* * *

(I) Specific standards for catering operation.

(1) The applicant shall post the hours of operation at the entrance of the business.Reserved.

* * *

(3) The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by transportation and environmental servicesReserved.

* * *

(J) Specific standards for light automobile repair.

* * *

(10) The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES Engineering division ~~(703)383-4327~~ to obtain a copy of the manual.

(11) The applicant shall control odors, smoke and any other air pollution from operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

(12) Car wash discharges resulting from a commercial operation shall not be discharged into a storm sewer. ~~It is recommended that the e~~Car washes shall be done at a commercial car wash facility.

* * *

(L) ~~Specific standards for restaurants~~ Reserved.

(1) The applicant shall post the hours of operation.

(2) ~~No new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour.~~

(3) ~~Limited, live entertainment may be offered and must comply with the city's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~

(4) Restaurant managed delivery vehicles must be provided with dedicated off street parking spaces for each delivery vehicle.

(5) On and off premises alcohol sales, consistent with a valid ABC license are permitted.

~~(6) No food, beverages, or other material shall be stored outside.~~

(7) Kitchen equipment shall not be cleaned outside, including floor mats, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

(8) The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

(9) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

(10) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines" or to the satisfaction of the director of transportation and

1 environmental services. The city's storage space guidelines and required. Recycling
2 implementation plan forms are available at: www.alexandriava.gov or contact the
3 city's solid waste division at 703-519-3486 ext. 132.

4 (11) Live entertainment is not permitted, as defined in section 2-164.1.
5 (12) For restaurants within the Old Town Small Area Plan, all new restaurant uses and
6 expansion or intensification of existing restaurant uses must satisfy the Old Town
7 Restaurant Policies.
8 (13) For restaurants within the Waterfront Small Area Plan, all new restaurant uses and
9 expansion or intensification of existing restaurant uses must satisfy the Waterfront
10 Restaurant Policies.

11 ***

12 (O) *Application to certain development special use permits.* The provisions of this section
13 11-513 have no application to any CO planned residential/commercial development and
14 shall not preempt any conditions in any DSUP or CDD concept plan adopted prior to or
15 after December 13, 2008, which conditions pertain to the establishment of restaurants
16 and other uses which may be classified as permitted uses or as administrative SUP uses
17 under this section 11-513 and under Ordinance #4573, adopted December 13, 2008,
18 except as provided below:

19 (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park
20 Drive, the following uses shall be permitted uses and the provisions of this section
21 11-513(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:

22 (a) Business and professional offices;

23 ***

24 (c) ChurchPlace of worship;

25 ***

26 (k) Personal service establishments;

27 ***

28 (m) Retail shopping establishment.

29 (P) *Specific standards for private schools, academic, and day care centers.* Each such
30 use shall: Reserved.

31 (1) Obtain all required state, federal and local licenses and certificates prior to opening
32 its place of business;

33 (2) Provide adequate drop off and pick up facilities so as to create minimal impact on
34 child safety and pedestrian and vehicular traffic; and

35 (3) Be located so as not to create obvious conflicts between children and dangerous or
36 otherwise inappropriate uses.

37 ***

38 (R) *Specific standards for child and elder care homes for six to nine persons.* Each home
39 operator of the use shall:

40 ***

41 (2) Obtain all required state, federal and local licenses and certificates prior to
42 operation Reserved;

43 ***

44 (S) *Specific standards for automobile, recreational vehicles, and trailer rental or sales*
45 *area.* Each use shall:

1 ***
2 (U) *Specific standards for temporary nonresidential trailers at public schools.*

3 (1) The administrative special use permit approval shall expire ~~five~~~~three~~ years from the
4 date of approval. An option to approve for an additional two years is possible for all
5 uses other than storage through a minor amendment to the administrative special use
6 permit.
7 (2) ~~All classroom trailers shall be located so as to reduce visibility from public rights of~~
8 ~~way and from nearby residentially zoned properties, and the design for trailers shall be~~
9 ~~compatible with applicable historic district and/or Master Plan design guidelines to the~~
10 ~~satisfaction of the director of planning and zoning~~The number of trailers is limited to
11 one per lot.
12 (3) Loudspeakers shall be prohibited ~~from~~on the exterior of the building, ~~and no~~
13 ~~amplified sounds shall be audible at the property line;~~
14 ***
15 (5) ~~Impacts to parking that meets recreational needs during non school hours should be~~
16 minimized; and Trailers not in use for 90 days or more shall be removed.
17 (6) Trailers shall not be used for storage purposes.

18 (V) *Specific standards for light assembly, service, and crafts.*
19 ***

20 (3) ~~The applicant shall control odors, smoke and any other air pollution from operations at~~
21 ~~the site and prevent them from leaving the property or becoming a nuisance to~~
22 ~~neighboring properties, as determined by the department of transportation and~~
23 ~~environmental services~~Reserved.
24 ***
25

26 Section 9. That Section 12-302 of the Zoning Ordinance be, and the same hereby is,
27 amended by deleting the language shown in strikethrough and inserting new language shown in
28 underline, as follows:
29

30 12-302 - Noncomplying uses.
31 ***

32 (G) ~~Any public building existing on January 24, 1998, and categorized immediately prior to~~
33 ~~such date as a nonconforming use, whether the use operates pursuant to a special use~~
34 ~~permit or not, shall not be deemed nonconforming. From and after January 24, 1998,~~
35 ~~such use shall be categorized as a noncomplying use and may continue indefinitely.~~
36 ~~Such use may be expanded without special use permit approval regardless of subsection~~
37 12-302(A), above. Reserved.
38 ***

39 (I) ~~Any fraternal or private club existing on August 5, 1940, at the time of the adoption of~~
40 ~~the Alexandria City Code of 1940, that has existed continuously since that date, and that~~
41 ~~has been categorized immediately prior to January 24, 1998, as a nonconforming use,~~
42 ~~shall not be deemed nonconforming. From and after January 24, 1998, such use shall be~~
43 ~~categorized as a noncomplying use, and may continue indefinitely subject to the~~
44 ~~requirements of this section 12-300; provided, that only those specific fraternal or~~

1 private clubs in existence on January 24, 1998, shall be deemed noncomplying, and that
2 any change in use, management, ownership or operation of such use shall require
3 approval by special use permitReserved.

4 ***

5
6 Section 10. That the director of planning and zoning be, and hereby is, directed to
7 record the foregoing text amendment.

8
9 Section 11. That Articles II, III, IV, V, VI, and VI and Sections 8-100, 8-200, 11-
10 511, 11-513, and 12-302, as amended pursuant to Sections 1 through 9 of this ordinance, be, and
11 the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

12
13 Section 12. That this ordinance shall become effective on the date and at the time of
14 its final passage, and shall apply to all applications for land use, land development or subdivision
15 approval provided for under the City of Alexandria Zoning Ordinance which may be filed after
16 such date, and shall apply to all other facts and circumstances subject to the provisions of the
17 City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning
18 Ordinance.

19
20 ALYIA GASKINS
21 Mayor

22
23 Introduction: 01/13/26
24 First Reading: 01/13/26
25 Publication:
26 Public Hearing: 01/24/26
27 Second Reading: 01/24/26
28 Final Passage: 01/24/26