



Text Amendment #2016-0004
Small Business Zoning

Issue: Small Business Zoning Regulations	Planning Commission Hearing:	June 9, 2016
	City Council Hearing:	June 18, 2016
Description: (A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a text amendment to various sections of the Zoning Ordinance to allow administrative review of special use permits for certain uses that now require a special use permit; allow uses to be permitted by-right for certain uses that now require a special use permit; update various use categories and definitions to clarify and identify certain uses; amend the criteria for Minor Amendment and Outdoor Dining administrative review of special use permits; and various technical corrections. Applicant: Department of Planning and Zoning		
Staff: Karl Moritz, Director; Alex Dambach, Land Use Division Chief; Taryn Toyama, Urban Planner; Sara Brandt-Vorel, Urban Planner; Mary Christesen, Urban Planner; Ann Horowitz, Urban Planner; Sam Shelby, Urban Planner; Nathan Randall, Urban Planner		

Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.

PLANNING COMMISSION ACTION, JUNE 9, 2016: On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to initiate Text Amendment #2016-0004. The motion carried on a vote of 6 to 0.

On a motion by Vice Chairman Macek, seconded by Commissioner Wasowski, the Planning Commission voted to recommend approval of Text Amendment #2016-0004 as amended. The motion carried on a vote of 6 to 0.

Reason: After engaging in discussion on the proposal, Commissioners agreed with the staff recommendation to approve the proposed text amendment with the following changes:

- 1) Commissioners accepted and recommended incorporation of staff’s proposed changes for Sections 11-513(C) and (L) in its memorandum dated June 8, 2016,
- 2) Commissioners rejected and did not recommend incorporation of staff’s proposed change for Section 11-513(B) in its memorandum dated June 8, 2016.
- 3) Commissioners amended Section 11-513 on specific standards for health and athletic clubs to clarify hours of operation.

The discussion period was divided between the proposed text amendments and the possible City Charter change in authority for use-based SUP decisions.

Commissioner Wasowski explained that small businesses are equal stakeholders in this special use permit process and are just as important as the community, and the balance of impacts must be equal for both small businesses and neighbors. She expressed support for amendments focused on consistency and clarity for small business owners, and she agreed with the public that the

administrative SUP review process has been working well since its inception. She expressed concerns with allowing civic and business associations to have specific authority to appeal administrative SUP decisions, since it is too difficult to define a civic association and its boundaries.

Commissioner Lyle echoed Commissioner Wasowski's concerns about allowing civic and business associations to appeal administrative SUP decisions. She expressed specific concern that some civic associations do not allow their membership to vote on issues, but instead allow a few to represent the whole association. She also spoke in support of the move towards allowing new uses to qualify for the administrative SUP process, which was a process she experienced when administrative SUPs were first introduced in Cameron Station and the West End in 2008.

Commissioner Macek noted that our neighboring jurisdictions use a similar process to the one proposed to give the option for certain types of restaurants to go through an administrative process, rather than sending the majority of new business proposals to their governing bodies. He also echoed concerns about the administrative SUP appeals process.

Commissioner McMahon stressed that the changes for small business allow uses to revitalize all commercial corridors in the City, not just those along the King Street corridor. She also spoke in support of proposed changes to remove barriers for local child care.

Commissioner Brown expressed support to make the modest changes to the Zoning Ordinance and add more uses to qualify for the administrative review. He clarified that staff would not be able to make any modification to the statutory requirements under this administrative process.

Chairwoman Lyman echoed concerns about specifically adding civic and business associations to the administrative SUP appeals process.

After discussion concerning a possible City Charter change to allow Planning Commission to become the final authority for use-based SUP decisions, a majority of the Commissioners did not feel comfortable expressing a definite position on whether or not City Council should delegate their approval authority for use-based SUPs to the Planning Commission. As a whole, the Planning Commission felt that if the Council were inclined to support the concept, several elements would require more thought, including a more detailed proposal for the appeals process and a clear definition of a use-based SUP.

Commissioner Macek suggested that staff clearly define the process for the applicant as well as the citizen participating in the public hearing process, if the changes to the City Charter were to move forward.

Commissioner Brown suggested that staff create a detailed list of pros and cons to allow both the Commission and City Council to determine if this change is beneficial. He also suggested that staff create a chart or table that clearly depicts the uses by zone and the level of review that would be needed.

Speakers:

Arthur Impastato, 239 Medlock Lane, spoke in support of the proposed text amendments but did not support a change to the City Charter to allow Planning Commission to become the final

authority for use-based special use permits (SUP). He explained that the elected body should be responsible for the ultimate decision on SUPs instead of the appointed Planning Commission members. He also expressed concerns about placing a burden on citizens to file an appeal of an SUP decision, if the City Charter was amended.

Ellen Mosher, 324 North St. Asaph Street, expressed concerns over parking for restaurant uses in the Commercial Downtown and the King Street Urban Retail zones. She explained that recent approvals resulted in businesses with parking reductions continuing to add more restaurant seats in the Old Town area. She expressed discomfort with allowing restaurants to go through the administrative SUP process, while not providing more parking to keep visitors from parking in residential neighborhoods.

Michael Hobbs, 419 Cameron Street, expressed concerns with the full-hearing SUP process itself. He explained that the SUP process is not too onerous and most of the three month waiting period is for staff to perform their review of the proposed use, while the public hearing process is merely two weeks at the end. He explained that he did not believe the one-time cost for the public hearing was not unreasonable. He said that if the text amendment were adopted, he asked that the language proposed to allow business and civic associations to appeal a administrative SUP be included.

Stephanie Landrum, President and CEO of Alexandria Economic Development Partnership, spoke in support of the text amendment.

Dak Hardwick expressed support for a possible City Charter change to allow Planning Commission to become the final authority for use-base SUP decisions. He expressed a need to allow City Council to focus on the “big impact” issues and projects and to avoid loading its docket with too many small land use items, such as use-based SUPs.

Yvonne Callahan, President of Old Town Civic Association, spoke in support of the administrative SUP process continuing and improving. She urged Planning Commission to allow civic associations to appeal administrative SUP decisions made by the Planning Director. She expressed concerns about a possible City Charter change to allow Planning Commission to become the final authority for use-based SUP decisions.

I. SUMMARY

Planning and Zoning presents a series of new recommendations in this report which adjust, improve and continue the work on the Small Business Zoning program begun in 2008. The following is a summary list of the proposed zoning changes discussed in detail in this report with the specific text changes shown in Attachment 1.

- **From Full-Hearing SUP to Administrative SUP**
 - Restaurants (counter-service and full-service) that meet certain standards, including Old Town locations previously not eligible for an Administrative SUP
 - Child Care Homes with Six to Nine children
 - Motor Vehicle Storage/Parking for 20 or More Vehicles in the Industrial Zone
 - Automobile Trailer Rental and Sales in the Industrial Zone
 - Health and Athletic Clubs
- **From Full-Hearing SUP to Permitted Use**
 - Private Commercial School
 - Retail and Personal Service in W-1 Zone
- **Definition Clarifications**
 - Animal Care Facilities
 - Light and General Automobile Repair Uses
 - Food and Beverage Production
- **Other Amendments**
 - Up to 33 percent Floor Area Expansion by Administrative Approval
 - Additional Indoor Seats (Restaurants)
 - Outdoor Dining Parking (Restaurants)
- **Text corrections**
 - Day Nursery in NR Zone
 - Retail shopping establishments in CRMU-X Zone
 - Personal service establishments in CRMU-X Zone

II. BACKGROUND

Alexandria's core of small independently-owned businesses provides important economic benefits to the City and contributes to the character and authenticity of our historic community. Since 2008, the City has periodically reviewed how we regulate small businesses to make sure we strike the right balance between two important goals: supporting small business and protecting neighborhoods from any potential negative impacts that can come from commerce. The recent closures of some businesses with a long history in the community highlighted the importance small businesses can play in the life of a community.

Small Business Zoning Program

In 2008, the Small Business Zoning Program changed the zoning ordinance "to make it easier to open and maintain a small business in Alexandria" by eliminating the Special Use Permit (SUP) requirement for some uses, adding new permitted uses to zones, and creating an Administrative SUP use category and process. The administrative special use permit system has been a principal

component of the small business program. While change of ownership cases, minor amendments, and a handful of administrative SUPs were available previously, the small business zoning program expanded the concept significantly. When the new zoning processes started in 2008 it increased the number of uses approvable as Administrative SUPs, added clear standards in the Zoning Ordinance for approvable permits and created a process that includes notices to civic and business associations prior to the Director making decisions on a particular Administrative SUP case. In 2010, a second set of amendments were adopted that added more uses to the Administrative SUP review level and adjusted existing criteria and definitions for various uses.

For this iteration of the “Small Business Zoning” initiative, staff reviewed the types of small businesses that most frequently go through the Special Use Permit process and analyzed the potential of each of these uses to have negative impacts on their nearby communities. Staff has also been tracking complaints and violations by businesses that were required to obtain SUPs. Staff used this information to develop a list of potential land uses where the SUP review process could be reduced – in some cases to the administrative review process and in more limited cases to permitted uses. These changes, listed below, modernize the Zoning Ordinance language and reduce the costs and time needed for review for many types of new and expanding small businesses, while ensuring that the Zoning Ordinance will continue to safeguard established neighborhoods and minimize potential negative community impacts.

Proposed City Charter Amendment

Staff is also proposing that that the City moves to a system whereby City Council delegates its authority to the Planning Commission to take final action on non-development, use-based Special Use Permits, as it does for site plans and subdivisions. Other types of SUPs, such as those associated with a Development Special Use Permit or requests for parking reductions or FAR increases, would continue to require City Council approval. This proposed authority change would improve efficiency while maintaining a public process. In general, non-development, use-based SUPs that require a hearing would follow a similar process as site plans and subdivisions, which the City Charter authorizes. The Planning Commission would take final action on non-development, use-based SUPs. Planning Commission actions on SUPs would be appealable to the City Council, also similar to subdivisions or site plans.

Currently, the City Charter does not grant this power to the Planning Commission. If this idea is supported, the most efficient way for this to be implemented is through a City Charter amendment. If City Council so agrees, this is an amendment staff would pursue the amendment with the State General Assembly.

Community Discussion and Outreach

Over the past several months, Planning & Zoning staff has discussed the Small Business Zoning program with the community in a series of meetings. Staff delivered presentations to local business and community organizations and hosted two public forums at City Hall on March 19, 2016 and May 23, 2016 to share information on the proposed revisions. In addition to publicly advertised and open presentations, staff maintained and updated a project website with copies of

all materials including presentations, memorandum to City Staff, and a brief “one-pager” which concisely summarized the proposed amendments. With the input received from initial stakeholder meetings, the work session with the Planning Commission and community meetings, staff recommends that the following changes be made.

III. SMALL BUSINESS ZONING RECOMMENDATIONS

1. FULL-HEARING SUP TO ADMINISTRATIVE SUP USES

The Administrative SUP review process takes about one-third of the time as a Full-Hearing SUP review; however a SUP approved administratively generally has similar conditions required of the applicant, and those conditions carry the same regulatory weight. An administrative review process can reduce the application fee by approximately \$250.00. Additionally, while not formally required, small business owners typically choose to use an attorney for the Full-Hearing SUP process, but they rarely use such expertise for Administrative SUPs helping them save on upfront costs before opening their business.

Any of the uses listed as an Administrative SUP must continue to meet the criteria listed in section 11-513 of the Zoning Ordinance for each respective use. If a particular use cannot meet the criteria listed in this section, then a Full-Hearing SUP will be required. For example, section 11-513(L)(1) states that a restaurant cannot exceed 100 seats to apply under the Administrative SUP process. If a restaurant proposes to have 150 seats, the restaurant owner would need to apply for a Full-Hearing SUP instead since the business use cannot meet the criteria of the Administrative SUP.

The public is advised about pending Administrative SUPs through eNews, site placards and notices through the newspaper and notices to recognized neighborhood associations. Due to the various forms of noticing and outreach, staff believes this process has worked well since its inception in 2008. It should also be noted that the Director can require an Administrative SUP application to be docketed for Full-Hearing SUP review if community concerns are raised or if negative impacts are anticipated. In practice, the Director has docketed SUPs for full hearings when the community expresses concern. All Administrative SUPs have enforceable conditions on their approval, and these businesses undergo regular zoning inspections.

Given the interest in this proposed revision to the SUP process, staff anticipates a high initial volume of Administrative SUP applications, should the City Council approve these recommendations. Initially, processing times for Administrative SUPs may be longer than the typical 30 day period, as only the existing SUP staff would be available to process the expected increase in applications.

Staff recommends converting the following uses from a Full-Hearing SUP to Administrative SUP:

- Restaurants (counter-service and full-service);
- Child Care Homes with Six to Nine children;
- Motor Vehicle Storage/Parking for 20 or more vehicles in the Industrial Zone;
- Automobile Trailer Rental and Sales in the Industrial Zone; and

- Health and Athletic Clubs.

Restaurants (counter-service and full-service)

Full-service restaurants in most commercial zones are eligible for Administrative SUPs if specific standards are met in accordance with section 11-513 of the Zoning Ordinance. However, all counter-service, restaurants are required to obtain approval through a Full-Hearing SUP. When this standard was first introduced in 2008, it was believed then that counter-service restaurants had greater potential for neighborhood impacts than full-service restaurants. Since 2008, staff has seen an increase in SUP applications for counter-service restaurants such as Stomping Ground, Chickpea Mediterranean, Sweetgreen, and District Taco, however, the difference in community impacts between counter-service and full-service restaurants has been found to be negligible. Staff believes that any impacts from counter-service restaurants that meet all other administrative review eligibility requirements can be addressed through the conditions imposed by an Administrative SUP. It is likely that the change to this review process would reduce the number of restaurants undergoing Full-Hearing SUP reviews by approximately 44 percent, based on past data.

Although a majority of restaurant types could become eligible for Administrative SUP review under the aforementioned amendment, some would continue to require a Full-Hearing Special Use Permit, specifically nightclubs, restaurants with more than 100 seats, and restaurants with drive-through service. In addition, a Full-Hearing SUP would still be required for restaurant uses located in the W-1, WPR, RC, RC-X and RD Zones due to the unique nature and mix of uses in these zones.

These recommendations would add the ability for applicants to request Administrative SUPs for restaurants in the CD and KR zones (Old Town). Restaurants in these zones were specifically excluded from the Administrative SUP program in the 2008 round of small business zoning amendments out of concern for potential neighborhood impacts from restaurants in Old Town. Staff recommends that restaurants that can meet the specific standards of section 11-513 be eligible for an Administrative SUP in Old Town because the City has extensive experience in reviewing Old Town restaurant SUPs and extensive knowledge of the issues that can arise in terms of impacts from restaurants on Old Town neighborhoods. This experience gives staff the ability to impose a set of conditions through an administrative process for Old Town restaurants that will minimize potential impacts. There is also the additional “fail-safe” that members of the community can request that Administrative SUPs be heard as a Full-Hearing SUP at a public hearing if they have concerns.

Staff also recommends allowing all restaurants to have up to two delivery vehicles through an Administrative SUP review instead of the current allowance, which is one vehicle. Staff also recommends that the minimum number of seats required for a restaurant to be able to offer delivery service be reduced from 40 seats to 20 seats. Many small restaurants augment their on-premises dining with delivery service. These changes would greatly reduce the time involved for the review process and reduce application costs for many small restaurants. Since the potential impact of delivery vehicles is well understood, administrative approvals will include conditions that will mitigate potential impacts on surrounding communities to the greatest extent possible.

Child Care Homes with Six to Nine Children

A child care home for up to and including five children is currently permitted by-right in almost all residential zones. A child care home with six to nine children currently requires a Full-Hearing SUP. Based on staff's experience, the majority of child care home requests for six to nine children present negligible impacts on neighboring properties. Staff proposes converting child care homes with six to nine children from a Full-Hearing SUP to an Administrative SUP. As part of this change, staff recommends amending the definition of "child care home" to reduce the age of resident children counted towards this nine child maximum. On advice from the Department of Community and Human Services, Center for Children and Families, staff proposes to reduce the age of a resident child counted for this purpose from "under 14 years old" to "under 12 years old." Generally, this change would mean that resident children ages 12-13 would not be counted toward the nine children maximum for an Administrative SUP.

This change should help provide residents with greater access to child care services in the City. This is especially helpful, as the Washington Metropolitan Area has some of the highest child daycare costs in the nation and many existing child care operations in the City have waiting lists. Facilitating opportunities for child care homes can often provide an affordable option for parents. Child care homes also provide this service in locations close to children's homes, typically reducing traffic impacts and travel times for parents. Potential impacts from pick-up/drop-off procedures, such as traffic and noise can be addressed through an Administrative SUP review. Based on the history of reviews it is estimated that there would be three fewer Full-Hearing child care home SUP cases each year.

Motor Vehicle Parking or Storage for 20 or More Vehicles in the Industrial Zone

Motor vehicle storage/parking for up to 20 vehicles is a permitted use in the Industrial Zone, but storage/parking of more than 20 vehicles requires a Full-Hearing SUP. Staff recommends moving this use from a Full-Hearing SUP to an Administrative SUP in the Industrial Zone only. The impact of this use on surrounding properties is usually minimal on neighboring industrially-zoned properties, and the potential impacts on neighboring properties are well-understood. Concerns related to possible impacts, such as the need for lighting and security can be addressed through an Administrative SUP approval process. Over the last seven years, City Council has heard and approved one Full-Hearing SUP in the Industrial zone.

Automobile and Trailer Rentals and Sales in the Industrial Zone

Car dealerships are similar in potential community impacts to other uses currently permitted in the Industrial Zone. They currently require a Full-Hearing SUP but rarely generate community concern when they are reviewed. Moving this use from a Full-Hearing SUP to an Administrative SUP in the Industrial Zone allows for any possible impacts of a car dealership to be mitigated through approval conditions and allowing the Director to regulate hours of operation, parking, vehicle delivery, lighting, and security issues in a manner similar to Full-Hearing SUP review. The volume of Full-Hearing SUPs may be reduced by approximately two cases per year with this revision to the ordinance.

Health and Athletic Clubs

Currently, Health and Athletic Clubs with exercise equipment are required to obtain a Full-Hearing SUP in most zones and are not permitted in some zones where staff believes that they would be an appropriate land use due to their low potential of adverse impacts. This use does not include private commercial schools, such as yoga/fitness studios, where only classes are offered to students for profit. Staff suggests converting the Health and Athletic Club use to an Administrative SUP in the zones where they currently require a Full-Hearing SUP. Staff also recommends allowing Administrative SUP review for Health and Athletic Club uses in the CL, CC and CSL Zones where they are currently not allowed. This would help facilitate health clubs as a viable use for vacant commercial spaces, especially as staff encounters new health and athletic club business formats that focus on smaller “boutique” services located close to their expected clientele. Parking tends to be the issue most frequently raised with regard to health clubs, and parking requirements would still need to be fulfilled in the administrative review process. If parking is deficient at a proposed site, a Full-Hearing SUP for a parking reduction would still be required. Potential impacts, such as noise and hours of operation, can also be addressed through conditions in an Administrative SUP approval and through other existing ordinances.

2. ADMINISTRATIVE SUP TO PERMITTED USES

The following land uses generally have minimal community impacts and often provide valuable services to surrounding neighborhoods. Staff proposes that these uses become permitted in their respective zones. Staff recommends converting the following uses from Full-Hearing SUPs to permitted uses:

- Private Commercial School and
- Retail and Personal Service Uses in the W-1 Zone.

Private Commercial School

In 2008, private commercial schools with 20 or fewer students were re-classified as a personal service use and were allowed for the first time as a permitted use in most commercial zones. Staff has witnessed an increase in personal service inquiries, particularly for relatively small, specialty establishments, such as yoga and Pilates studios, with less than 20 students. Since that time, staff has also continued to see several applicants (11 applications received between 2009 and 2015) requesting Full-Hearing SUPs for commercial schools with more than 20 students. Staff recommends that all private commercial schools become permitted uses in the zones where the use currently requires a Full-Hearing SUP. This recommendation would also undo the 2008 change and re-classify private commercial schools with 20 or fewer student from a type of personal service use and reincorporate it as a stand-alone private commercial school use category regardless of the number of students. This proposed amendment does not include private academic schools or day care centers, which are separately defined in the Zoning Ordinance. The businesses with 20 students or more typically result in minimal land use impacts with regard to matters such as noise, odors or trash. Although parking can sometimes be a concern with these uses, parking requirements would still need to be met regardless of the size of the commercial

school operation. If such a business could not provide the required parking, the business owner would still need to apply for a parking reduction through the Full-Hearing SUP process. The effect of the proposed change could result in an average of two fewer SUP cases per year.

Retail and Personal Service in W-1 Zone

The W-1 Zone specifically requires ground floor commercial uses to be restaurants or retail businesses; however, the zone requires all retail shopping establishments, regardless of size, to obtain Full-Hearing SUP approval. This requirement seems counterintuitive since ground floor retail is encouraged in this area. Staff suggests amending the permitted uses in the W-1 Zone to allow ground floor retail shopping establishments with 10,000 square feet or less as a permitted use, as is the case in the adjacent KR Zone. The off-street parking requirements for these retail shopping establishments would still need to be met for each particular location.

Staff also recommends adding personal service establishments in the W-1 zone, to include private commercial schools with a maximum of 20 students, to the list of permitted uses instead of requiring a Full-Hearing SUP. Personal service is permitted in every other commercial or mixed-use zone. Due to the W-1 Zone's use limitations, personal service establishments would only be permitted on an upper floor, not the ground floor. The off-street parking requirements for the personal service establishment would still need to be met for each particular location.

3. DEFINITION CLARIFICATION

Certain definitions in the Zoning Ordinance do not correspond with current business practices or do not address new business types that have evolved. The following are business types for which definition revisions are recommended:

- Animal Care Facilities;
- Automobile Repair Uses; and
- Food and Beverage Production.

Animal Care Facilities

The Zoning Ordinance currently contains separate use categories for “pet supplies, grooming/training with (or without) overnight accommodations,” “kennels,” and “overnight pet boarding.” Currently there is no category for “veterinary clinic or animal hospital.” The existing categories often overlap and can sometimes give contradictory approval information for staff and the owners of veterinary, dog day care, obedience training and grooming businesses. Proposed are new use categories with definitions for “animal care facility with overnight boarding,” “animal care facility without overnight boarding,” and “veterinary/animal hospital” to replace the above-listed older categories and to clarify the approval requirements for these business types. These animal care facilities would be permitted by right or by SUP reviews depending on the zone. There are no proposed changes to the level of review for animal care facilities, only clarifications to the definitions. Stores that only sell animal products that do not offer any type of animal care will continue to be classified as retail. Staff also proposes to maintain a separate use

category and create a definition for “animal shelters,” since the boarding for these animals are typically of a longer duration and at a larger scale than an animal care facility.

Automobile Repair Uses

The Zoning Ordinance currently classifies automobile repair facilities as either “light” or “general,” but the definitions are unclear for applicants and are difficult to enforce. Additionally, staff has found that the distinctions between light and general do not correspond well to the land use impacts these businesses may generate. Staff proposes to define automobile repair businesses that provide engine repair and internal automobile repairs as *light automobile repair*, and define businesses that provide intensive body and tire work as *general automobile repair*. The latter has the potential for more significant community and environmental impacts, particularly noise, the storage of damaged vehicles and impacts to the environment. The revised definitions would clarify the use categories and would permit light automobile repair business owners to perform the wider array of repairs that have become customary for this type of use.

Food and Beverage Production

Staff has received several inquiries from small businesses such as craft breweries, artisan distillers, confectionaries and other small-scale production facilities interested in locating in the City. With the adoption of the Oakville Triangle/Route 1 Corridor Plan and the Eisenhower West Small Area Plan, there is a general vision to create “maker” spaces that encourage these types of small scale food and beverage producers. To accommodate these requests, staff proposes two revisions to the Zoning Ordinance. For retail shopping establishments that propose to produce and sell food or beverage products within the same tenant space, the existing retail “bakery” definition term would be redefined to include food and beverage production limited to 3,500 square feet. The manufacturing definition would also be amended to replace “bakery goods, candy, ice cream and other food products” with a more general term of “food and beverage production” for businesses that would not include a retail component. The stand-alone use known as “Bakery exceeding 3,500 square feet which includes a retail component” would maintain the same level of review, but the use would be generalized to “food and beverage production exceeding 3,500 square feet which includes a retail component” to capture these emerging uses.

4. OTHER AMENDMENTS

The following proposals are Zoning Ordinance amendments that would provide additional options for small businesses to expand through an administrative approval process.

- Allow up to 33.0 percent expansion of uses through Minor Amendment Administrative SUP
- Allow 12 additional indoor restaurant seats, not to exceed 100 seats in total, through Minor Amendment Administrative SUP
- Parking exemption for restaurants city-wide for the first 20 outdoor seats

Up to 33.0 percent Floor Area Expansion by Administrative Approval

Currently, the Zoning Ordinance allows a Minor Amendment Administrative SUP if a business with an existing SUP proposes to increase its floor area by up to 20.0 percent of the current total floor area. A Full-Hearing SUP is required for a business expansion of 20.1 percent to 32.9 percent of new floor area. Development site plan approval with a public hearing is required for expansions of 33.0 percent or greater. Staff recommends requiring an Administrative SUP approval for all floor area expansions of less than 33 percent for consistency with the City's Development Site Plan requirements. The distinction between the 20.0 percent to 32.9 percent increase in floor area, especially for a small business, can often be negligible. For example, a small ice cream business was recently required to request a Full-Hearing SUP approval to add 320 square feet for storage space although this expansion had no negative impacts on the adjacent neighborhood and did not intensify the existing retail operation. This minor addition of floor area approval may have been more appropriate through the Administrative SUP process. There were no neighborhood speakers and no dissenting votes at either the Planning Commission or City Council hearings when this expansion was heard.

Additional Indoor Seats (Restaurants)

Staff proposes changing the Minor Amendment Administrative SUP criteria to allow requests for an addition of up to 12 indoor restaurant seats. This would replace the current standard which allows the lesser of 20 percent of existing seats or 12 seats to be added through the administrative process. Staff proposes a flat number that allows up to 12 seats regardless of the existing restaurant size. A restaurant would not be allowed, however, to exceed 100 total indoor seats through the Minor Amendment Administrative SUP. In addition, parking requirements would be applicable to the request for additional seats.

Outdoor Seating Parking (Restaurants)

Restaurants in the KR, NR, and Mount Vernon Overlay zones are not required to provide parking for the first 20 outdoor dining seats. The exemption was first introduced along King Street in 2005 and in Del Ray in 2006 as a way to encourage outdoor dining and increase street vitality in these areas. The Zoning Ordinance was amended in 2010 to include a parking exemption for the first 20 outdoor dining seats in the Mount Vernon Urban Overlay Zone and the NR (Arlandria) Zone. Staff recommends exempting the first 20 outdoor seats at restaurants in all commercial zones throughout the City to similarly encourage outdoor dining in other commercial and mixed use areas. In most situations, these outdoor seats would be added on private property; however in some situations an encroachment may be necessary.

5. TEXT CORRECTIONS

When the small business zoning program was adopted in late 2008 and amended in 2010, there were a few errors and inadvertent omissions in the text. Staff recommends the following specific changes to correct those errors.

Day Nursery in NR Zone. The use defined as “day nursery” was eliminated in the 2008 adoption of small business amendments. However, in the NR zone, “day nursery” continues to be listed as a special use. The legislative history is clear that the correct term is now “day care center” and it is a permitted use in the NR zone. Staff recommends deletion of “day nursery” from the NR zone, as was intended.

Retail shopping establishments in CRMU-X Zone. The Old Town North Small Area Plan indicates that the CRMU-X Zone designates retail shopping establishments as a permitted use; however the Zoning Ordinance designates all retail shopping establishments as a special use. To conform to the Small Area Plan, staff recommends designating “retail shopping establishments, up to 20,000 square feet,” as a permitted use similar to all other CRMU Zones. “Retail shopping establishments, larger than 20,000 square feet” would remain a special use.

Personal service establishments in CRMU-X Zone. The Old Town North Small Area Plan indicates that the CRMU-X Zone designates personal service establishments as a permitted use; however the Zoning Ordinance designates all personal service establishments as a special use. To conform to the Small Area Plan, staff recommends designating “personal service establishments” as a permitted use similar to all other CRMU Zones.

IV. CONCLUSION

The Small Business Zoning amendments are just one of many efforts by Alexandria to make opening and growing a business in the City less difficult for entrepreneurs. Staff has worked closely with its counterparts at the Small Business Development Center and Alexandria Economic Development Partnership to understand the emerging and ongoing needs of our City’s existing and prospective entrepreneurs, while carefully maintaining the necessary protections for surrounding neighborhoods through the Administrative and Full-Hearing SUP processes. With the creation of the Administrative SUP process eight years ago, staff has utilized a more efficient, ongoing review process that maintains the public noticing and enforceable conditions and allows our business owners to open their doors in the City throughout the year. Staff recommends that the Small Business Zoning amendments need to be adopted to assist existing and attract prospective entrepreneurs to do business in the City, while mitigating and minimizing neighborhood impacts, all of which helps create a prospering economic base that remains competitive in the region.

IV. STAFF RECOMMENDATION

Staff recommends that the Planning Commission initiate and recommend approval of each of the attached zoning text changes.

Staff: Karl Moritz, Director; Alex Dambach, Land Use Division Chief; Taryn Toyama, Urban Planner; Sara Brandt-Vorel, Urban Planner; Mary Christesen, Urban Planner; Ann Horowitz, Urban Planner; Sam Shelby, Urban Planner; Nathan Randall, Urban Planner

Attachment: Proposed Zoning Text Changes

PROPOSED ZONING TEXT CHANGES

Article II. DEFINITIONS

Section 2-100 Definitions

2-112.1 - Animal Care Facility

A place where common household pets are cared for, such as a grooming, training, and temporary boarding facilities, veterinary/ animal hospitals, but not including businesses that meet the definition of animal shelter.

2-112.2 - Animal Shelter.

Any place designated to provide for the temporary accommodation of four or more common household pets which are stray or abandoned by their owners.

2-115 - Automobile repair, general.

Service and repair of motor vehicles including painting, **upholstering, rebuilding, reconditioning,** body and fender work, frame straightening, undercoating, **engine or transmission rebuilding or replacement,** tire retreading or recapping, and the like.

2-116 - Automobile repair, light.

~~Minor~~ Service **and repair** work ~~to of~~ automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, **upholstering, engine or transmission including rebuilding or replacement,** and replacement of small items but not to include general autom**obile** repair services.

2-127 - Child care home.

A private family home which offers care, protection and supervision to no more than a total of nine children at a time under ~~14~~ **12** years of age during any 24 hour period and then only for part of the 24 hour day.

2-163 – ~~Reserved. Kennel.~~

~~Any lot or premises on which four or more dogs, more than four months of age, are kept or maintained for any purpose.~~

2-173 – Manufacturing.

Assembly, processing, fabrication or manufacture of the following products:

~~Bakery goods, candy, ice cream and other~~ **Food and beverage** products, but not including the processing of sauerkraut, vinegar and yeast (other than in baked goods or **brewing**), the growing of mushrooms or the rendering of fats and oils;

Furniture, metal and wood;

Ice;

Metal and rubber stamps, stencils, badges, jewelry, toys and novelties;

Musical instruments;

Office equipment;

Photographic equipment, excluding film;
Pottery, figurines and other ceramic products using previously ground or treated minerals and earths;
Professional and scientific instruments;
Small appliances; and
Wood products, excluding products obtained by distillation.

2-183 - Personal service establishment.

A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

Arts and crafts studios or stores;
Appliance repair and rental;
Banks, savings and loans, and credit unions;
Bicycle repair;
Barbershops and beauty shops;
Contractors' offices, without accessory storage;
Dressmakers and tailors;
Dry-cleaning and laundry pickup stations;
Laundromat;
Locksmiths;
Musical instrument repair;
Optical center;
Pawnshops;
Private school, academic ~~or commercial~~, with a maximum of 20 students on the premises at any one time;
Professional photographer's studios;
Shoe repair;
Furniture upholstery shops;
Watch repair;
Printing and photocopy service;

Personal service establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

2-191 - Retail shopping establishment.

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

Antique and secondhand articles;
Appliances;
Art galleries, commercial;
Art supplies;
Auto parts without service or installation on premises;

Bakeries (limited to a maximum of 3,500 square feet);

Books;
Candy;
Clothing, clothing accessories and dry goods;
Department stores;
Drugstores;
Floor coverings;
Florists;

Food and beverage production (limited to a maximum of 3,500 square feet);

Furniture;
Groceries;
Hardware, paint and wallpaper;
Household goods;
Jewelry, leather goods and luggage;
Lawn and garden supplies;
Musical instruments;
Photographic equipment and supplies;
Sporting goods;
Tobacco;
Toys;
Variety goods;
Video rental and sales;

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

2-201.1 - Veterinary/ Animal Hospital.

A type of animal care facility where common household pets are provided with preventative care and/or are treated for illness, injury, or disease, but does not include animal shelters.

2-201.12 - Walkability index.

A City of Alexandria scoring system used to measure the degree to which a person can travel on foot between places to work, live and play. The index considers the presence of neighborhood services, civic and community facilities, retail and community anchors. It also considers the presence of sidewalks and other physical infrastructure which contribute to a safe and pleasant pedestrian experience.

Article III. RESIDENTIAL ZONE REGULATIONS

Division A. Single Family and Two-Family Zones
Section 3-100 R-20/Single-family zone.

3-102.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-102.

Section 3-200 R-12/Single-family zone.

3-202.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-202.

Section 3-300 R-8/Single-family zone.

3-302.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-302.

Section 3-400 R-5/Single-family zone.

3-402.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-402.

Section 3-500 R-2-5/Single-family and two-family zone.

3-502.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-502.

Division B. Townhouse and Multifamily Zones

Section 3-600 RA/Multifamily zone.

3-602.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-602.

Section 3-700 RB/Townhouse zone.

3-702.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-702.

Section 3-800 RCX/Medium density apartment zone.

3-802.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-802.

Section 3-900 RC/High density apartment zone.

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:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-902.

Section 3-1100 RM/Townhouse zone.

3-1102.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-1102.

Section 3-1200 RS/ Townhouse zone.

3-1202.1 - Administrative special uses.

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

(A) Child or elder care home, other than pursuant to section 3-1202.

Section 3-1300 RT/ Townhouse zone.

3-1302.1 - Administrative special uses.

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

(A) Child or elder care home, other than pursuant to section 3-1302.

Article IV. COMMERCIAL ZONE REGULATIONS

Section 4-100 CL/Commercial low zone.

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial; ~~Pet supplies, grooming and training, with no overnight accommodation;~~**
- (J) Public school;
- (J.1) Restaurant located within a shopping center;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

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:

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;

- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-103 - Special uses.

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

(A) Animal care facility with overnight accommodation, other than pursuant to section 4-102.1;

(A.1)Bus shelter on private property;

(B) Congregate housing facility;

(C.1)Day labor agency;

(D) Reserved;

(E) Fraternal or private club;

(F) Funeral home;

(F.1) Health and athletic club, other than pursuant to section 4-102.1(A.1);

(G) Home for the elderly;

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

(I) Reserved;

(J) Nursing or convalescent home or hospice;

(J.1)Outdoor food and crafts market, other than pursuant to section 4-102.1;

(J.2)Outdoor garden center, other than pursuant to section 4-102.1;

~~**(J.3)Overnight pet boarding, other than pursuant to section 4-102.1;**~~

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

(L) Public building;

(M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;

(M.1)Retail shopping establishment, larger than 20,000 gross square feet;

(N) Rooming house;

(O) Social service use.

4-107 - Use limitations.

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

Section 4-200 CC/Commercial community zone.

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

(A) Single-family dwelling;

(A.1)Two-family dwelling;

(A.2)Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation;

- (C.1)** Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) **Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I) Public school;
- (I.1) Restaurant located within a shopping center or hotel;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (K) Seminary, convent or monastery;
- (L) Utilities, as permitted by section 7-1200;
- (M) Accessory uses, as permitted by section 7-100.

4-202.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation, if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2)** Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; ~~Overnight pet boarding if located in a shopping center;~~**
- (G) Valet parking.

4-203 - Special uses.

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

- (A) Animal care facility with overnight accommodation, other than pursuant to section 4-202.1;**
- (A.1)** Automobile service station;
- (B) Bus shelter on private property;
- (C) Congregate housing facility;
- (D) Convenience store;
- (E) Reserved;
- (F) Reserved;
- (G) Drive through facility;
- (H) Fraternal or private club;
- (I) Funeral home;
- (I.1) Health and athletic club, other than pursuant to section 4-202.1(A.1);**
- (J) Home for the elderly;

- (K) Light automobile repair;
- (L) Motor vehicle parking or storage for more than 20 vehicles;
- (M) Reserved;
- (N) Nursing or convalescent home or hospice;
- (N.1) Outdoor food and crafts market, other than pursuant to section 4-202.1;
- (N.2) Outdoor garden center, other than pursuant to section 4-202.1;
- (O) **Reserved; Overnight pet boarding, other than pursuant to section 4-202.1;**
- (P) Private school, academic ~~or commercial~~, with more than 20 students at any one time;
- (Q) Public building;
- (R) Restaurant, other than pursuant to section 4-202(I.1) or 4-202.1;
- (R.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (S) Rooming house;
- (T) Social service use.

4-207 - Use limitations.

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

Section 4-300 CSL/Commercial service low zone.

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) **Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I) Public school;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Seminary, convent or monastery;
- (L) Utilities, as permitted by section 7-1200;
- (M) Accessory uses, as permitted by section 7-100.

4-302.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation, if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2)** Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-303 - Special uses.

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

- (A) Animal care facility with overnight accommodation, other than pursuant to 4-302.1;**
- (A.1)** Automobile service station;
- (B) Automobile and trailer rental or sales area;
- (B.1) **Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Building materials storage and sales;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Glass shop;
- (M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);**
- (N) Home for the elderly;
- (O) Laundry, dry cleaning operation;
- (O.1) Light assembly, service and crafts;
- (P) Light automobile repair;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Reserved;
- (S) Nursing or convalescent home or hospice;
- (S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;
- (S.2) Outdoor garden center, other than pursuant to section 4-302.1;
- (S.3) Overnight pet boarding, other than pursuant to section 4-302.1;**

- (T) Parcel delivery;
- (U) Reserved;
- (V) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (W) Public building;
- (X) Research and testing laboratory;
- (Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;
- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use;
- (BB) Storage buildings and warehouses, not to include freight distribution centers;
- (CC) Wholesale business.

Section 4-400 CG/Commercial general zone.

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (H) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H.1) ~~Private school, commercial; Pet supplies, grooming, training and medical treatment with no overnight accommodation;~~**
- (I) Personal service establishment;
- (J) Public school;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-402.1 - Administrative special uses. The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;**

- (A.1) Restaurant;
- (A.2) Health and athletic club, other than pursuant to section 4-402(E.3);**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-403 - Special uses.

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

- (A) Amusement enterprise;
- (B) Animal care facility with overnight accommodation, other than pursuant to section 4-402.1;**
- (B.1) Apartment hotel;**
- (C) Automobile service station;
- (D) Automobile and trailer rental or sales area;
- (D.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-402(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-402(E.3) **or 4-402.1(A.2);**
- (N) Home for the elderly;
- (O) Hospital;
- (P) Hotel;
- (Q) Laundry, dry cleaning operation;
- (R) Light automobile repair;
- (S) Medical care facility;
- (T) Motor vehicle parking or storage for more than 20 vehicles;
- (U) Reserved;
- (V) Nursing or convalescent home or hospice;
- (V.1) Outdoor food and crafts market, other than pursuant to section 4-402.1;
- (V.2) Outdoor garden center, other than pursuant to section 4-402.1;
- ~~(V.3) Overnight pet boarding, other than pursuant to section 4-402.1;~~
- (W) Private school, academic ~~or commercial~~, with more than 20 students on the premises at any one time;
- (X) Public building;
- (Y) Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1;

- (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (Z) Rooming house;
- (AA) Social service use.

Section 4-500 CD/Commercial downtown zone.

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (F) City sponsored farmers' market;
- (F.1) Day care center;
- (G) Medical laboratory;
- (H) Medical office;
- (H.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (I) Personal service establishment;
- (J) **Private school, commercial; ~~Pet supplies, grooming and training business,~~**
with no overnight accommodation;
- (K) Public school;
- (L) Radio or TV broadcasting office and studio;
- (L.1) Reserved;
- (M) Retail shopping establishment, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-502.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Massage establishment;**
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);
- (E) **Restaurant; Overnight pet boarding if located in a shopping center;**
- (F) Valet parking.

4-503 - Special uses.

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

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-502.1;**
- (B) Apartment hotel;
- (B.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bed and breakfast accommodation, as permitted by section 7-400;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Reserved;
- (G.1) Day labor agency;
- (H) Reserved;
- (H.1) Drive through facility, limited to banks, savings and loan institutions and credit unions on Washington Street; provided, that access to the drive through facility is solely provided on the exclusive property of the bank, savings and loan institution or credit union offering the drive through facility;
- (I) Fraternal or private club;
- (J) Funeral home;
- (K) Health and athletic club, **other than pursuant to section 4-502.1(A.1);**
- (L) Home for the elderly;
- (M) Homeless shelter;
- (N) Hospital;
- (O) Hotel;
- (P) Medical care facility;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Newspaper office, including printing and publishing facilities;
- (S) Reserved;
- (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-502.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-502.1;
- ~~**(T.3) Overnight pet boarding, other than pursuant to section 4-502.1;**~~
- (U) Private school, ~~commercial or~~ academic, with more than 20 students on the premises at any one time;
- (V) Public building;
- (W) Restaurant, **other than pursuant to section 4-502.1;**
- (W.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (X) Rooming house;
- (Y) Social service use;
- (Z) Tourist home;
- (AA) Wholesale business.

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

4-602 - Permitted uses.

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- ~~(C.1) Business and professional office;~~
- (D) Church;
- (D.1) Day care center;
- (E) Medical laboratory;
- (F) Medical office;
- (F.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (G) Personal service establishment;
- (H) **Private school, commercial; -Pet supplies, grooming and training business, with no overnight accommodation;**
- (I) Public school;
- (J) Radio or TV broadcasting facility;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-602.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- ~~(F) Overnight pet boarding if located in a shopping center;~~
- (G) Valet parking.

4-603 - Special uses.

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-602.1;**
- (B) Apartment hotel;
- (B.1) **Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Catering operation;

- (E) Congregate housing facility;
- (F) Reserved;
- (F.1) Day labor agency;
- (G) Reserved;
- (H) Fraternal or private club;
- (I) Funeral home;
- (J) Health and athletic club, **other than pursuant to section 4-602.1(A.1);**
- (K) Home for the elderly;
- (L) Homeless shelter;
- (M) Hospital;
- (N) Hotel;
- (O) Medical care facility;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Newspaper office, including printing and publishing facilities;
- (Q) Reserved;
- (R) Nursing or convalescent home or hospice;
- (R.1) Outdoor food and crafts market, other than pursuant to section 4-602.1;
- (R.2) Outdoor garden center, other than pursuant to section 4-602.1;
- ~~(R.3) Overnight pet boarding, other than pursuant to section 4-602.1;~~
- (S) Private school, ~~commercial or~~ academic, with more than 20 students on the premises at any one time;
- (T) Public building;
- (U) Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1;
- (U.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (V) Rooming house;
- (W) Social service use;
- (X) Tourist home;
- (Y) Wholesale business.

Section 4-700 CR/Commercial regional zone.

4-702 - Permitted uses.

The following uses are permitted in the CR zone:

- (A) Amusement enterprise;
- (A.1) Animal care facility with no overnight accommodation;**
- (A.2) Day care center;
- (B) Health and athletic club;
- (C) Light auto repair or drive through facility located in a freestanding building not part of an integrated and connected complex of structures;
- (D) Motor vehicle parking or storage;
- (E) Personal service establishment;
- (E.1) **Reserved; Pets supplies, grooming and training business with no overnight accommodation;**
- (E.2) Private school, commercial;
- (E.3) Public school;
- (F) Restaurant;

- (G) Retail shopping establishment;
- (H) Utilities, as permitted by section 7-1200;
- (I) Accessory uses, as permitted by section 7-100.

4-702.1 - Administrative special uses.

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

- (A) ~~Reserved;~~ **Animal care facility with overnight accommodation if located in a shopping center;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) ~~Reserved; Overnight pet boarding if located in a shopping center;~~
- (G) Valet parking.

4-703 - Special uses.

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

- (A) Automobile service station;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-702.1;**
- (A.2) Bakery- Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (B) Bus shelter on private property;
- (C) Reserved;
- (D) Reserved;
- (E) Drive through facility;
- (F) Hotel;
- (G) Interstate bus station;
- (H) Light automobile repair;
- (I) Reserved;
- (J) ~~Reserved; Overnight pet boarding, other than pursuant to section 4-702.1.~~

4-707 - Use limitations. ~~Reserved.~~

All operations shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

Section 4-800 OC/Office commercial zone.

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

- (A) Single-family dwelling;

- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-802.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-803 - Special uses.

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

- (A) Amusement enterprise;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-802.1;**
- (B) Apartment hotel;
- (C) Automobile service station;

- (C.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store other than pursuant to section 4-802(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-802(E.3) **or 4-802.1 (A.1)**;
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market other than pursuant to section 4-802.1;
- (W.2) Outdoor garden center other than pursuant to section 4-802.1;
- ~~(W.3) Overnight pet boarding, other than pursuant to section 4-802.1;~~
- (X) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

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

4-902 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**

- (C.1)**Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1)Convenience store within an office complex;
- (E.2)Day care center;
- (E.3)Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial; ~~Pet supplies, grooming and training, with no overnight accommodation;~~**
- (I.1)Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1)Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-902.1 - Administrative special uses.

The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2)** Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; ~~Overnight pet boarding if located in a shopping center;~~**
- (G) Valet parking.

4-903 - Special uses.

The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1)Animal care facility with overnight accommodation, other than pursuant to section 4-902.1;**
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1)**Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;

- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-902(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-902(E.3) **or 4-902.1(A.1)**;
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-902.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-902.1;
- ~~(W.3) Overnight pet boarding, other than pursuant to section 4-902.1;~~
- (X) Private school, academic, ~~or commercial~~ with more than 20 students on the premises at any one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

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

4-1002 - Permitted uses.

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

- (A) Single-family dwelling, except as limited by section 4-1003(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1003(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1003(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1003 (A.1);
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;

- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space center or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant, located within a shopping center, hotel or industrial or flex space center;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-1002.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1003 - Special uses.

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

- (A) Amusement enterprise;
- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1002.1;**
- (B) Apartment hotel;
- (C) Automobile service station;

- (C.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation, other than pursuant to section 4-1002.1;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-1002(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-1002(E.3) **or 4-1002.1(A.1)**;
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair, other than pursuant to section 4-1002.1;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-1002.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-1002.1;
- ~~(W.3) Overnight pet boarding, other than pursuant to section 4-1002.1;~~
- (X) Private school, academic, ~~or commercial with more than 20 students on the premises at any one time;~~
- (Y) Public building;
- (Z) Research and testing;
- (AA) Restaurant, other than pursuant to sections 4-1002(K.1) and 4-1002.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

Section 4-1100 OCH/Office commercial high zone.

4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

- (A) Single-family dwelling, except as limited by section 4-1103(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1103(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1103(A.1);
- (C) Animal care facility with no overnight accommodation;**

- (C.1)**Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1)Convenience store within an office complex;
- (E.2)Day care center;
- (E.3)Health and athletic club located within a shopping center, hotel, industrial or flex space building or office complex;
- (F) Hospital;
- (G) Medical care facility;
- (H) Medical laboratory;
- (I) Medical office;
- (I.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (J) Personal service establishment, on the same lot as office use;
- (K) **Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (K.1)Public school;
- (L) Radio or television broadcasting office and studio;
- (L.1)Restaurant located within a shopping center or hotel;
- (M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-1102.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1103 - Special uses.

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

- (A) Amusement enterprise;
- (A.1)Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

(A.2)Animal care facility with overnight accommodation, other than pursuant to section 4-1102.1;

- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1)~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Congregate housing facility;
- (F) Convenience store, other than pursuant to section 4-1102(E.1);
- (G) Reserved;
- (H) Reserved;
- (H.1)Day labor agency;
- (I) Drive through facility;
- (J) Fraternal or private club;
- (K) Funeral home;
- (L) Health and athletic club other than ~~as a permitted or administrative SUP use~~ **pursuant to section 4-1102(E.3) or 4-1102.1(A.1);**
- (M) Home for the elderly;
- (N) Homeless shelter;
- (O) Hotel;
- (P) Interstate bus station;
- (Q) Light automobile repair;
- (R) Motor vehicle parking or storage for more than 20 vehicles;
- (S) Reserved;
- (T) Nursing or convalescent home or hospice;
- (T.1)Outdoor food and crafts market, other than pursuant to section 4-1102.1;
- (T.2)Outdoor garden center, other than pursuant to section 4-1102.1;
- ~~(T.3)Overnight pet boarding, other than pursuant to section 4-1102.1;~~
- (U) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1;
- (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.1)Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;
- (Y) Rooming house;
- (Z) Social service use;
- (AA)Wholesale business.

Section 4-1200 I/Industrial zone.

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

- (A)Ambulance service;

(A.1) Animal care facility with overnight accommodation

- (B) Animal shelter ~~or kennel~~;
- (C) Automobile service station;
- (D) Bottling plant;
- (E) Building materials storage and sales;
- (F) Business or professional office;
- (G) Catering operations;
- (H) Drive through facility;
- (I) [Reserved];
- (J) Funeral home;
- (K) Glass shop;
- (L) Health and athletic club;
- (L.1) Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light assembly and crafts;
- (N.1) Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Personal service establishment;
- ~~(S.1) Pet supplies, grooming and training, with no overnight accommodation;~~
- (T) Printing and publishing facilities;
- (T.1) Private school, commercial;**
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;
- (V.1) Restaurant located within a shopping center or hotel;
- (V.2) Retail shopping establishment, up to 20,000 gross square feet;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100;
- (CC) Public recycling center.

4-1202.1 - Administrative special uses.

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

(A) Automobile and trailer rental or sales area;

(A.1) Restaurant;

(A.2) Day care center;

(B) Massage establishment;

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

(C) Outdoor garden center;

- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (F.1) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (G) Valet parking.

4-1203 - Special uses.

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

- (A) Asphalt plant;
- (A.1) Amusement enterprise;
- (B) Automobile and trailer rental or sales area, **other than pursuant to section 4-1202.1;**
- (C) Business offices other than those listed in section 4-1202(F);
- (D) Bus shelter on private property;
- (E) Concrete mixing and batching plant;
- (F) Convenience store;
- (F.1) Day labor agency;
- (G) Freight distribution center;
- (G.1) Fuel yard;
- (H) General automobile repair;
- (I) Helistop;
- (J) Homeless shelter;
- (K) Hospital;
- (L) Interstate bus station;
- (M) Junkyard;
- (N) Medical care facility;
- (O) Motor vehicle parking or storage for more than 20 vehicles, **other than pursuant to section 4-1202.1;**
- (P) Motor vehicle storage yard;
- (P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;
- (P.2) Outdoor garden center, other than pursuant to section 4-1202.1;
- ~~(P.3) Overnight pet boarding, other than pursuant to section 4-1202.1;~~
- (Q) Public building;
- (R) Recycling and materials recovery facility;
- (R.1) Restaurant, other than pursuant to section 4-1202(V.1) or 4-1202.1;
- (R.2) Retail shopping establishment, larger than 20,000 gross square feet;
- (S) Stone crushing operation;
- (T) Vehicle towing service and associated impound lot;
- (U) Waste to energy plant;
- (V) Any other use not listed elsewhere in this ordinance.

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

4-1403 - Permitted uses.

In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

(A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:

- (1) Retail establishment;
- (2) Personal service establishment, except banks, pawnshops, check cashing, payday loan and title loan businesses;
- (3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other.
- (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;
- (5) Day care center;

(6) Private school, commercial, with a maximum of 20 students on the premises at any one time.

(B) Permitted uses above the ground floor:

- (1) Uses listed under section 4-1403;
- (2) Dwelling unit;
- (3) Office;
- (4) Church.

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

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) Animal care facility with overnight accommodation located in a shopping center;

(A.1) Restaurant;

(B) Outdoor garden center;

(C) Outdoor food and crafts market;

(D) **Reserved; Overnight pet boarding located in a shopping center;**

(E) Massage establishment;

(F) Valet parking;

(G) Outdoor dining;

(H) Live theater.

4-1404 - Special uses.

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

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1;

- (B) Banks, business and professional offices, medical laboratories/offices and laundromats on the ground floor, other than pursuant section 4-1403(A);
- (C) Convenience store;
- (D) Reserved;
- (E) **Day nursery; Reserved;**
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1;
- (H) Reserved;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1;
- (K) Private school, academic, **with more than 20 students on the premises at one time; or commercial;**
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1;
- (N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.

4-1407 - Parking.

(B) **Reserved; Existing restaurants may add up to 20 outdoor dining seats with no additional off-street parking requirement;**

Article V. MIXED USE ZONES

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

5-102 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;**
- (F.2) Public school;**
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;

- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-102.1 - Administrative special uses.

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

(A) Health and athletic club;

- (A.1)** Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-103 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) ~~Bakery~~ **Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-102(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-102(C.3) **or 5-102.1(A)**;
- (I) Home for the elderly;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (K.1) Outdoor food and crafts market, other than pursuant to section 5-102.1;
- (K.2) Outdoor garden center, other than pursuant to section 5-102.1;
- (L) Nursing or convalescent home or hospice;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-202 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;

- (A.2)Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1)Convenience store within an office complex;
- (C.2)Day care center;
- (C.3)Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1)Private school, commercial;**
- (F.2)** Public school;
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-202.1 - Administrative special uses.

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

(A) Health and athletic club;

- (A.1)** Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-203 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1)**Bakery Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-202(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-202(C.3) **or 5-202.1(A);**
- (I) Home for the elderly;
- (J) Hotel;

- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-202.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-202.1;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, ~~not covered in~~ **other than pursuant to** section 5-202(G.1) **or 5-202.1(A.1)**;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-302 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;**
- (F.2) Public school;**
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-302.1 - Administrative special uses.

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

- (A) Health and athletic club;**
- (A.1) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-303 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) ~~Bakery~~ **Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-302(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-302(C.3) **or 5-302.1(A)**;
- (I) Home for the elderly;
- (I.1) Homeless shelter;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-302.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-302.1;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, ~~not covered in~~ **other than pursuant to** section 5-302(G.1) or **5-302.1(A.1)**;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-402 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (A.3) Motor vehicle parking or storage for 20 vehicles or fewer;
- (A.4) Day care center;
- (A.5) Personal service establishment;**
- (A.6) Private school, commercial;**
- (A.7) Public school;**
- (A.8) Retail shipping establishment, up to 20,000 gross square feet;**
- (B) Utilities, subject to section 7-1200;
- (C) Accessory uses, as permitted by section 7-100.

5-402.1 - Administrative special uses.

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

(A) Health and athletic club;

- (A.1) Restaurant;
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-403 - Special uses.

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

- (A) Multifamily dwelling;
- (B) Amusement enterprise;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Apartment hotel;**
- (C.2) Bakery Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Business and professional office;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (I) Fraternal or private club;
- (J) Health and athletic club, **other than pursuant to section 5-402.1(A);**
- (K) Home for the elderly;
- (L) Hotel;
- (M) Medical care facility;
- (N) Medical laboratory;
- (O) Medical office;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Nursing or convalescent home or hospice;
- (P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;
- (P.2) Outdoor garden center, other than pursuant to section 5-402.1;
- (Q) **Reserved; Personal service establishment;**
- (R) **Reserved; Pet supplies, grooming and training, with no overnight accommodations;**
- (S) Private school, academic ~~or commercial~~, **with more than 20 students on the premises at one time;**
- (T) Public building;
- (U) Radio or television broadcasting office and studio;
- (V) Restaurant, other than pursuant to section 5-402.1;
- (W) Retail shopping establishment, **larger than 20,000 gross square feet;**
- (X) Social service use.

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

5-502 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Personal service establishment, pursuant to section 5-509;**
- (C.2) Private school, commercial, with a maximum of 20 students on the premises at any one time and pursuant to section 5-509;**
- (D) Public building;
- (E) Public park, athletic field or other outdoor recreation facility;
- (F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;
- (F.1) Retail shopping establishment, 10,000 square feet or less in size;**
- (G) Accessory uses, as permitted by section 7-100;
- (H) Uses smaller than 5,000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

5-503 - Special uses.

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

- (A) Commercial outdoor recreation facility;
- (B) Commercial shipping and freight terminal;
- (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
- (D) Health and athletic club;
- (E) Home for the elderly;
- (F) Nursery school;
- (G) Outdoor food and crafts market;
- (H) **Reserved; Personal service establishment**
- (I) Privately owned public use building such as civic auditorium or performing arts center;
- (J) Restaurant;
- (K) Retail shopping establishment, **other than pursuant to section 5-502(F.1);**
- (L) Reserved;
- (M) Reserved;
- (N) Utilities, as permitted by section 7-1200;
- (O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan;
- (P) Uses 5,000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

Article VI. SPECIAL AND OVERLAY ZONES

Section 6-500 Urban overlay district. (Old Town North)

6-503 - Retail focus areas.

A retail focus area (RFA) is a location at which retail and personal service uses are viewed as vital to the neighborhood. The locations designated as retail focus areas on the zoning maps are subject to the following requirements and regulations.

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

Retail shopping establishment;

Personal service establishment (excluding contractor's office);

Private school, commercial with a maximum of 20 students on the premises at one time;

Convenience store;

Health and athletic club;

Animal care facility with no overnight accommodation; ~~Pet supplies, grooming and training (no overnight accommodations);~~

Social service use;

Amusement enterprise;

Restaurant;

Hotel or multifamily lobby where use otherwise allowed (requires a special use permit).

Section 6-600 Mount Vernon Avenue urban overlay zone.

6-603 - Uses.

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

(1) Retail shopping establishment

(2) Restaurant

(3) Amusement enterprise, as limited in section (B)(1) above.

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

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

(6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.

(7) Private school, commercial, with a maximum of 20 students on the premises at one time and provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that more than

20 students on the premises at one time and additional frontage space may be permitted with a special use permit.

6-604 - Parking requirements.

(B) **Reserved. Outdoor dining requires no parking for the first 20 seats.**

Section 6-700 KR/King Street urban retail zone.

6-702 - Uses.

(A) Ground floor uses

(1) Permitted uses.

(a) Animal care facility with no overnight accommodations;

(a.1) Building lobby, with a frontage of less than 30 feet along King Street;

(b) City sponsored farmers' market;

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

(d) ~~Pet supplies, grooming/training~~ Private school, commercial, with a maximum of 20 students on the premises at one time and with a frontage of less than 30 feet along King Street;

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

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

(g) Accessory uses.

(2) Special uses:

(a) Amusement enterprise;

(b) **Bakery-Food and beverage production**, exceeding 3,500 square feet, which includes a retail component;

(c) Church;

(d) Convenience store;

(e) Health and athletic club;

(f) Hotel;

(g) Outdoor food and craft market;

(h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.

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

(i.1) Private school, commercial, with a maximum of 20 students on the premises at one time and extending for more than 30 feet along King Street;

(j) Public building;

(k) Restaurant, **other than pursuant to section 6-702(C);**

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

(B) Upper floor uses.

(1) Permitted uses:

(a) Any use permitted as a ground floor use under section 6-702(A)(1);

(b) Multifamily dwelling units or accessory apartments;

- (c) Business and professional office;
- (c.1) Day care center;
- (d) Medical office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (f.1) Private school, commercial, with a maximum of 20 students on the premises at one time;**
- (g) Radio or television broadcasting office and studio.

(2) Special uses:

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;
- (c) Catering operation;
- (d) Congregate housing;
- (e) Reserved;
- (f) Home for the elderly;
- (g) Fraternal or private club;
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;
- (k) Private school, commercial or academic, **with more than 20 students on the premises at one time;**
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

(C) Administrative special uses. Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of 11-513 of this ordinance:

- (1) Valet parking;
- (2) Massage establishment;
- (3) Restaurant (ground floor only).**

Article VII. SUPPLEMENTAL ZONE REGULATIONS

Section 7-500 Child and elder care homes.

Child and elder care homes are permitted subject to the following limitations:

(A) Requirements for child and elder care homes for one to five persons. A child or elder care home for one to five persons is allowed as a permitted use in the zones in which it is listed and must comply with the following:

- (1) All homes shall be registered with the city pursuant to title 12 of the city code;

- (2) When calculating the total number of children cared for, resident children under the age of ~~12~~ **14** shall be included. When calculating the total number of adults, all resident adults shall be included.
- (3) The home shall be the principal residence of the operator of the home;
- (4) The home shall comply with all requirements of the city and state codes.

~~(B) Requirements for child and elder care homes for six to nine persons. A child or elder care home for six to nine persons requires a special use permit and shall at a minimum comply with the following requirements as well as those in section 7-500(A) above:~~

- ~~(1) The home operator shall obtain a license from the Virginia Department of Social Services;~~
- ~~(2) Unless exempted by section 7-500(B)(3) below, a minimum of 75 square feet of outdoor play area shall be provided for each child above the age of two and shall be shown on the recorded plat of the lot in question. Such play area shall be fenced unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.~~

~~(3) No play area shall be required when the child care home is located within 500 feet of a park or playground that has sufficient capacity to accommodate the children and for which the park owner's permission has been obtained.~~

Article XI. DEVELOPMENT APPROVALS AND PROCEDURES

Section 11-500 Special use permits.

11-511 - Administrative amendment to SUP.

The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures:

(A) Amendments authorized.

- (1) Change in ownership. Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant after determining that there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.
- (2) Minor amendment. Where an application proposes a change to a city council approved special use permit which constitutes no more than a minimal enlargement or extension, the director may administratively approve the change after determining that:

- (a) The changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;
- (b) The proposal will not change the character of the use or increase its overall intensity, including, without limitation,
 - (i) No more than the following increases which may be permitted only once over the life of the permit:
 - (a) Two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;
 - (b) ~~Twenty percent additional restaurant seats, up to A~~ maximum of 12 additional **restaurant** seats ~~and~~ not to exceed 100 seats maximum;
 - (c) Twenty percent additional classroom seats;
 - (d) Twenty percent additional equipment;
 - (e) ~~Twenty~~ **Up to thirty-three** percent additional floor area;
 - (e.1) Two delivery vehicles for restaurants with a minimum of 20 seats;**
 - (f) Similar increases for other aspects of the use; or alternatively,
 - (ii) The proposed change is no greater than what is allowed under the standards for administrative approval for the same use under section 11-513;
- (c) There have been no substantiated violations of the special use permit conditions within the last five years;
- (d) The proposed change when considered in conjunction with all amendments since city council approval, does not exceed in the aggregate the limitations prescribed under this section 11-511.
- (e) The proposed change does not amend or delete conditions that were included to address community concerns.

11-513 - Administrative special use permit.

(C) General standards for all administrative uses:

() The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are

problems with the operation of the use and that new or revised conditions are needed.

(K) Specific standards for ~~overnight pet boarding~~ **animal care facility with overnight accommodations.**

(1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding Boarding Establishments.

(L) Specific standards for restaurants.

(1) The number of seats at the restaurant may not exceed 100.

(2) **Reserved; The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware, except that this full service requirement does not apply to a coffee or ice cream shop.**

(3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.

(4) The applicant shall post the hours of operation as well as the location of off street parking at the entrance to the restaurant.

(5) Meals ordered before the closing hour may be served, but no new patrons may be admitted, **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.

(6) Limited, live entertainment may be offered **at the full service restaurant, and must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.** 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.

(7) **Full service R**estaurants with a minimum of **40 20** seats may offer delivery service which shall be limited to **one two** delivery vehicles, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.

(8) Full alcohol service, consistent with a valid ABC license is permitted. No ~~off-premise alcohol sales~~ **alcohol sales for off-premise consumption** are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.

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

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

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

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

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

() Nightclub entertainment is not permitted, as defined in section 2-190.2;

() For restaurants within the Old Town Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Old Town Restaurant Policies.

() For restaurants within the Waterfront Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Waterfront Restaurant Policies.

(M) Specific standards for outdoor dining.

(1) Outdoor dining shall be accessory to an approved indoor restaurant.

(2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.

- (3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted **require no additional dedicated off-street parking spaces** and are **in-addition to separate from** the indoor seats.
- (4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. **Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E).**
- (5) No live entertainment shall be permitted in the outdoor seating area.
- (6) Outdoor seating areas shall not include advertising signage, including on umbrellas.
- (7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.
- (8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the director may reasonably require.
- (9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
- (10) Reserved.
- (11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.
- (P) Specific standards for private schools, academic ~~and commercial~~, and day care centers. Each such use shall:
- (1) Obtain all required state, federal and local licenses and certificates prior to opening its place of business;
 - (2) Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic; and
 - (3) Be located so as not to create obvious conflicts between children and dangerous or otherwise inappropriate uses.

() Specific standards for health and athletic clubs. Each use shall:

- (1) Maintain hours of operation no greater than the prevailing hours of similar uses in the area, but in no event shall the health and athletic club stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday.

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

- (1) Comply with the requirements in section 7-500(A);
- (2) Obtain all required state, federal and local licenses and certificates prior to operation;
- (3) Unless exempted by section 11-513(R)(4) below, provide a minimum of 75 square feet of outdoor play area for each child above the age of two, and the play area shall be:
 - (a) Shown on the recorded plat of the lot in question; and
 - (b) Fenced unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards;
- (4) No play area shall be required when the child care home is located within 500 feet of a park or playground that has sufficient capacity to accommodate the children and for which the park owner's permission has been obtained; and
- (5) Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

() Specific standards for automobile and trailer rental or sales area. Each use shall:

- (1) Limit the parking lot for parking of vehicles in conjunction with the business;
- (2) Not perform any repair work on the site;
- (3) Maintain adequate appearance of the site;
- (4) Park all stored vehicles off-street and not in any portion of public way;
- (5) Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and
- (6) For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

() Specific standards for motor vehicle parking or storage for more than 20 vehicles. Each use shall:

- (1) **Limit the parking lot for parking of vehicles in conjunction with the business;**
- (2) **Not perform any repair work on the site;**
- (3) **Maintain adequate appearance of the site;**
- (4) **Park all stored vehicles off-street and not in any portion of public way;**
- (5) **Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and**
- (6) **For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.**

Letter in support of the changes to Small Business Zoning

Danielle Romanetti <danielle@fibrespace.com>

Wed 5/25/2016 4:29 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Dear Members of the City of Alexandria Planning Commission,

The 30 members of the Old Town Boutique District are writing with our support of the staff proposed changes to the Small Business Zoning. We strongly support this effort to streamline the process by which a new business obtains its special use permits to operate in our city. It is important for new businesses to be able to open and operate quickly after making their initial investments, and we feel that these proposed changes will help the City of Alexandria to create a more welcome business environment. This is incredibly important for our city as we compete heavily with neighboring jurisdictions for new and exciting businesses. While these changes impact non-retail business entities, our survival as retailers depends heavily on a vibrant and exciting business community – one that includes a variety of food establishments, classes and workshops. We hope that you will support these well thought out changes and effort on the part of our city staff.

Elizabeth Todd, Old Town Boutique District President
The Shoe Hive

Amy Rutherford, Old Town Boutique District Vice President
Red Barn Mercantile

Danielle Romanetti, Old Town Boutique District Board Member
fibre space

Nancy Pollard, Old Town Boutique District Board Member
La Cuisine

Page Castrodale, Old Town Boutique District Board Member
Curated

Katya Ananieva, Old Town Boutique District Board Member
She's Unique

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 6, 2016

TO: CHAIRWOMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, PLANNING AND ZONING

SUBJECT: SMALL BUSINESS ZONING – CHARTER LANGUAGE

Attached for your information is a draft City Charter language amendment whereby City Council delegates its authority to the Planning Commission to take final action on non-development, use-based Special Use Permits (SUP), similar to the process for site plans and subdivisions.

Staff proposes that Planning Commission actions on SUPs would be appealable to the City Council; however, staff suggests that the appropriate appeal process language be determined at a later date, since this would be a separate text amendment to the approval procedures in Article XI of the Zoning Ordinance.

The **attached language is for illustrative purposes only** and is meant to demonstrate how a proposed amendment for the City Council to delegate its authority to Planning Commission might be drafted. This language is not part of the proposed Zoning Ordinance text amendments for small business zoning. The drafted legislative amendments described here would be heard at a later date.

*Proposed Charter Amendment regarding Planning Commission Authorization to approve
Special Use Permits*

Sec. 9.09 - Zoning powers.

In addition to the powers granted elsewhere in this charter, the council shall have the power to adopt by ordinance a comprehensive zoning plan designed to lessen congestion in streets, secure safety from fire, panic and other danger, promote health, sanitation and general welfare, provide adequate light and air, prevent the overcrowding of land, avoid undue concentration of population, facilitate public and private transportation and the supplying of public utility services and sewage disposal, preserve existing and facilitate the provision of new housing that is affordable to all segments of the community, and facilitate provision for schools, parks, playgrounds and other public improvements and requirements. The comprehensive zoning plan shall include the division of the city into zones with such boundaries as the council deems necessary to carry out the purposes of this charter and shall provide for the regulation and restriction of the use of land, buildings and structures in the respective zones and may include but shall not be limited to the following:

- (h) It may require that permits be granted for special uses of property within a zone and may authorize the Planning Commission to approve special use permits for certain specified uses and shall provide for appeals to City Council of a final decision of the planning commission in such cases.**

City of Alexandria, Virginia

MEMORANDUM

DATE: JUNE 8, 2016

TO: CHAIRWOMAN AND MEMBERS OF THE PLANNING COMMISSION

FROM: KARL MORITZ, DIRECTOR, PLANNING AND ZONING

SUBJECT: PLANNING COMMISSION MEETING, JUNE 9, 2016
DOCKET ITEM #9
SMALL BUSINESS ZONING – ADDITIONAL TEXT AMENDMENTS

Attached are additional text amendments proposed as part of the Small Business Zoning proposal to be reviewed by the Planning Commission on June 9, 2016. Based on recently received public comments, staff proposes to make additional text amendments to further clarify and define the limitations and specific criteria associated with Administrative Special Use Permits (SUP).

In section *11-513 (B) Appeals*, staff proposes to add “Civic or business associations” to the list of affected persons eligible to file an appeal of the director’s decision on an Administrative SUP. Since civic and business associations are specific entities that are notified of pending Administrative SUPs, naming them in the appeal process was added for consistency.

In section *11-513(C) General* standards for all administrative uses, staff proposes to add one new standard concerning the re-review of all administrative SUPs.

In section *11-513 (L) Specific standards for restaurants*, staff proposes to amend three existing standards to provide more detailed language concerning ceasing meal and alcohol service, noise standards associated with live entertainment and limitations to on premise alcohol sales.

An issue recently raised by citizens relates to the ordinance’s special restrictions for on-premises alcohol service in three locations: the Mount Vernon Overlay Zone, the NR Zone (Arlandria) and the West Old Town neighborhood. Specifically, in these areas, for an Administrative SUP, “alcohol service is limited to table service.” The question raised was why these restrictions apply to these areas and not to other, potentially comparable locations in the City. Staff had limited time to look at the issue, but in that limited time came to believe that the distinction between “table service” and other types of on-premises service is not at all clear and deserves its own review by staff during the next phase of Small Business Zoning. As staff has not had time to investigate the issue fully, nor to contact the affected neighborhoods, we are not recommending a

change at this time. Staff anticipates having a small package of additional Small Business Zoning changes in the fall and would plan to include this issue among them.

In section *11-513 (M) Specific standards for outdoor dining*, staff proposes to amend an existing standard to specify the permitted hours of outdoor dining under the Administrative SUP review process.

The additional proposed text amendments to Section 11-513 of the Zoning Ordinance are as follows:

(B) Appeals.

(1) Any **person or civic or business association** ~~nearby civic or business association~~ ~~or any person~~ affected by a decision of the director issued pursuant to section 11-513(A)(5) may appeal the decision to the planning commission, by filing a notice of appeal, in writing, stating the grounds on which the person is affected and the grounds of appeal, with the director within 30 days of the issuance of the decision.

(C) General standards for all administrative uses:

(16) The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and shall docket the matter for consideration by the Planning Commission and City Council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or (b) the Director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the Director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

(L) Specific standards for restaurants.

(5) Meals ordered before the closing hour may be served, but no new patrons may be admitted, **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.

(6) Limited, live entertainment may be offered at the restaurant, **and must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.** 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.

(8) Full alcohol service consistent with a valid ABC license is permitted. No ~~off-premise alcohol sales~~ **alcohol sales for off-premise consumption** are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.

(11) The applicant shall control odors, ~~and~~ smoke **and any other air pollution** from the

operations at the site and ~~property to~~ prevent them from **leaving the property or** becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

(M) Specific standards for outdoor dining.

(4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. **Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E).**

Re: Planning Commission June 9, 2016 Special Public Hearing Text Amendment #2016-0004 Small Business Zoning

TA2016-0004
Additional Materials

Arthur Impastato <aimpastato@earthlink.net>

Fri 5/27/2016 3:03 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Cc: Sara Brandt Vorel <Sara.BrandtVorel@alexandriava.gov>; Taryn Toyama <Taryn.Toyama@alexandriava.gov>; Kendra Jacobs <Kendra.Jacobs@alexandriava.gov>; Karl Moritz <Karl.Moritz@alexandriava.gov>;

Dear Members of the Planning Commission:

I have served for well over a decade on the boards of various Alexandria civic organizations and recognize the need for the City to attract small business. I have been supportive of past revisions to streamline the SUP process for such businesses.

As you are no doubt aware, City staff is proposing additional revisions to the SUP process for small businesses and these proposals are up for consideration by the Planning Commission during its special public hearing on June 9 (Text Amendment #2016-0004 Small Business Zoning). I support most of the proposed revisions with one notable exception since it abrogates public input at a time when the City has made great headway in enlisting public input into the decision making process (e.g. the West Eisenhower SUP process).

City staff is proposing to "[o]nly require Planning Commission approval for all non-development SUPs." Doing so eliminates City Council input as well as public input during City Council's deliberative process. If a matter has a significant enough impact that it requires going through the SUP process, it should receive full vetting by both the Planning Commission and City Council. It is also worth noting that City staff provides no definition for what would constitute a "non-development" project. Having no guidelines for what is a "non-development" project is an open invitation for land use and zoning lawyers to get an easy path to approval for projects that will adversely affect adjacent neighborhoods. I would also add that, when the initial proposals were presented by City staff to the Alexandria Federation of Civic Associations earlier this year, City staff made it clear that they would not recommend this specific proposal and that it was something for possible consideration down the line.

In sum, please reject the Staff's proposal to "[o]nly require Planning Commission approval for all non-development SUPs."

Sincerely,

Arthur "Sash" Impastato
239 Medlock Lane
Alexandria, VA 22304

May 31, 2016

The Honorable Mayor and Members of Council
The Honorable Members of the Planning Commission
City of Alexandria
301 King Street
Alexandria, Virginia 22314

Subj: Proposed City Charter Amendment Regarding Special Use Permits

Dear Members of the City Council and Planning Commission:

The Alexandria Federation of Civic Associations (AFCA), by a unanimous vote at its May 25, 2016 membership meeting, strongly opposes the staff's proposal that the City Charter be amended to delete the City Council's responsibility for the review and approval of "use-based" Special Use Permits.

We believe that the ultimate responsibility for use based, non-development Special Use Permits should remain with the City Council, as it has since Alexandria first adopted the SUP zoning system, and as would continue to be the case for all other types of SUPs. Terminating the process without final review and approval by the City Council would result in only a modest efficiency—shortening the sequence by a matter of only a few days—but would remove entirely the opportunity for interested parties and citizens to participate in a review by their elected governing body. These decisions affect Alexandria residents and Alexandria residents have an impact on these decisions through those representatives.

The City Council not long ago adopted what was described as "binding city policy" on civic engagement, stating its purpose to be "to ensure that public participation in the formulation of City public policy shall be welcomed and encouraged" at all levels, citing the benefits of such engagement in improving public understanding of and support for public policy decisions, "resulting in confidence in the equity of the public decision making process" and "reinforcing mutual trust between the community and City government." The City should now seek to maintain and invigorate effective public participation in its public policy decision-making process, rather than moving so quickly to curtail it.

The Planning Commission serves as an advisory body to City Council and is well-suited to that responsibility. We note that many SUPs are handled at the administrative level, and we have taken no position on the proposed changes to add more to that number. But if an SUP warrants the level of review, consideration, and judgement represented by a public body, it should ultimately be the body elected by and most directly accountable to the people.

Sincerely,



Ali Ahmad, Co-Chair



Roy R. Byrd, Co-Chair

[cc Virginia delegation]

6/9/16 Agenda Item 9 Text Amendment #2016-0004

Ali Ahmad <ali.ahmad@gmail.com>

Thu 6/2/2016 10:20 AM

To: PlanComm <PlanComm@alexandriava.gov>;

Dear Planning Commission Members:

I'm writing to support the proposed changes to streamline small business zoning. I've carefully reviewed each change and feel they are great improvements to the process to save both the business and the taxpayer money.

I do not support the proposed charter amendment referenced in the staff report, unless a strong appeals process is established. From my perspective, the key to a strong appeals process is a low barrier for citizens to appeal.

I greatly respect the Commission's work and recognize that most of the steps taken and accommodations made to address citizen concerns happen at either the Commission level or staff level prior to Council consideration. However, I think the ability to appeal these decisions directly to your elected body is vital. If the hearing before Council is no longer automatic, then it should be easily achievable for residents and stakeholders of any means.

Best,
Ali Ahmad
230 South Jenkins St
Alexandria, VA 22304

P.S.- I currently head my local civic association, Wakefield Tarleton, and serve as co-chair of the Alexandria Federation of Civic Associations. But the opinions expressed here are mine alone.

--

Ali Ahmad
703.895.9899

*"I'm a slow walker, but I never walk back."
Abraham Lincoln*



June 7, 2016

Planning Commission Chair Mary Lyman
And Members of Planning Commission
City of Alexandria

Re: June 9 Docket Item 9, Small Business Zoning Text Amendment

Dear Ms. Lyman and Members of Planning Commission

The Eisenhower Partnership strongly supports the proposed Text Amendment to make it easier to open and operate a small business in Alexandria by streamlining zoning provisions. Among our membership and including non-member businesses along the Eisenhower Avenue corridor, we know of several instances where businesses have had delayed openings or incurred costs that should have been unnecessary to obtaining approvals in order to move in or modify/expand their businesses. The proposed text amendments to shift several types of SUPs from full-hearing to administrative or permitted use are common-sense amendments that are further supported by the staff's experience in similar cases and staff's comprehensive knowledge of Alexandria's neighborhoods and where impacts might be expected.

We believe that for the categories identified in the proposed text amendments, there is very little risk in the staff proposals, while the benefits to small businesses will be noteworthy.

We appreciate the staff's continuing efforts to identify areas where zoning can be simplified and rendered less onerous to the small businesses who frankly are the life blood of the Alexandria community. We would not be a complete and thriving city without those businesses.

The Eisenhower Partnership urges the Planning Commission to initiate and approve Text Amendment #2016-0004, and to further direct the staff to continue looking for Zoning Code provisions that can be modified or clarified to reduce the burden on small business without affecting nearby residential neighborhoods.

Sincerely yours,

A handwritten signature in blue ink, appearing to read "Agnès Artemel". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Agnès Artemel
Vice President, Eisenhower Partnership

CC: Alex Dambach, P&Z



CITY OF ALEXANDRIA
SERVICE REQUEST
PLZ Council Request

06/07/2016
 TA2016-0004
 Additional Materials

REQUESTID: 98556

PRIORITY: 3

PROBLEMCODE: PLZ_COUNCIL

SUBMITTO: HOROWITZ, ANN

DESCRIPTION: PLZ Council Request

INITIATEDBY: API, SR

PROBADDRESS:

PRJCOMPLETEDATE: 06/14/2016

DATETIMEINIT: 06/07/2016

CALLER(S) INFORMATION:

CELLPHONE

FIRSTNAME BILL

HOMEPHONE 703.403.5857

LASTNAME BLACKBURN

WORKPHONE

ADDRESS

EMAIL BILL@BBQDELRAY.COM

CELL PHONE

QUESTION:

ANSWER:

COMMENTS:

By API, SR: 6/7/2016 11:28:27 AM
 Mayor and Members of Council
 Members of Planning Commission
 City of Alexandria Virginia
 301 King St
 Alexandria VA 22314

Subject: Proposed Changes to the Special Use Permitting Process

The Del Ray Business Association (DRBA) supports the proposed changes to the SUP Process. The SUP process is an important exercise to ensure that Alexandria continues to be a great city to both live and do business. The current process has served Alexandria well. However, the proposed changes will make Alexandria more competitive in the business market and make it easier for businesses to get started.

The City of Alexandria has long battled the reputation of a "bad place" to do business, true or not, the City needs to do what is possible to change this image. Throughout our region, it is the small businesses that come in and help revitalize neighborhoods. The businesses provide a new commercial tax base and increase new home construction and increase current home values. King Street and Del Ray are examples of this trend in Alexandria.

Alexandria must find ways to keep our current businesses and attract new ones as areas in Arlington and The District of Columbia become increasingly more popular with the future largest revenue holders, the Millennials. If proactive steps are not taken, these Millennials will find other areas in the DC Metro Area to do business. The City should take steps such as the proposed SUP changes as a way to encourage more revitalization of other parts of this city.

While we support and understand the full SUP process for larger more complex projects, we have a very well-funded and supportive city staff that is more than capable of overseeing the less impactful projects.

Sincerely,

President DRBA
Managing Partner, HomeGrown Restaurant Group

By GREEN, ARNELL: 6/7/2016 12:06:40 PM

Dear Bill Blackburn

Thank you for contacting the City of Alexandria. Your information has been forwarded to the Department of Planning and Zoning/Office of the Director for review and a response.

By Agee, Kim: 6/7/2016 3:06:20 PM

Ann, please review and respond.

Thanks

no admin approval for restaurants

Cathleen Curtin <ccurtin1@comcast.net>

Tue 6/7/2016 5:18 PM

To: PlanComm <PlanComm@alexandriava.gov>;

Commissioners,

It has come to my attention that the commission is considering staff to approve and process applications removing commission and public scrutiny.

DO NOT APPROVE the following:

(A) Initiation of a Text Amendment; and (B) Public hearing and consideration of a Text Amendment to various sections of the Zoning Ordinance to: allow administrative review of Special Use Permits for certain uses requiring a hearing; allow certain uses requiring a Special Use Permit to be permitted by-right; update various use categories and definitions to clarify and identify certain uses; amend the criteria for Minor Amendment and Outdoor Dining administrative review of Special Use Permits; and various technical corrections.

I Say No to Staff-Only reviews. Transparency is key to this community. Citizens and tax payers deserve to know what is proposed in their community through the public docket and commission review process.

Best regards,

CATHLEEN

Cathleen Curtin RA AIA

CATHLEEN CURTIN Architects PLC

703 930 9322

www.cathleencurtinarchitects.com

501 Princess Street

Alexandria, VA 22314



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JUN 08 2016

Date: June 7, 2016
To: Planning Commission Members
Re: June 9, 2016, Planning Commission Meeting
Text Amendment #2016-0004 - Small Business Zoning
From: Ellen Mosher, 324 N. Saint Asaph Street, Alexandria, VA 22314

I oppose the above referenced Text Amendment and request you do NOT initiate it and reject it.

Recently, the Old Town section of Alexandria has been the location of:

- over 775 required parking spaces to be provided by SUP applicants, per code, were reduced via SUP Parking Reductions
- over 900 new restaurant seats in the King Street Retail Zone (KR) where, per SUP, no parking was required to be provided by applicant
- the removal of a city parking lot with 101 spaces,

The impact of these approvals is spill over parking problems in the residential neighborhoods. The 2009 Old Town Parking Study confirmed the parking problems then, however, nothing has been done except add to the problem.

This Text Amendment states restaurants in the Commercial Downtown (CD) Zone want 2 delivery vehicles and restaurants with less than 20 seats will not be required to have parking Old Town has a parking problem. Anything that adds to this parking problem should be rejected.

Planning and Zoning should be addressing and correcting this parking problem created with all of these SUP approvals. New parking garages are needed to correct this very old problem instead of adding to it. If they need some ideas for parking garage sites, I have several sites in mind so please ask me.

Next, no restaurant in the King Street Retail Zone (KR) should be approved via administrative approval. A full hearing should always be required.

Lastly, no restaurant in the Commercial Downtown Zone (CD) should be approved. Per the zoning map, CD zoned properties are in the residential neighborhoods. Per the Old Town Restaurant Policy, "City Council shall not approve a request for a special use permit for any new restaurant, carry-out, or fast food establishment or an expansion of an existing restaurant, carry-out or fast food establishment unless it finds that the request does not significantly impact nearby residential neighborhoods." Since restaurants in neighborhoods significantly impact the neighborhood, SUP's for a restaurant in a CD zone should be rejected per the Old Town Restaurant Policy.

The Old Town part of Alexandria is a 250 year old well established neighborhood and should continue to be a neighborhood. This is one of very few historic neighborhoods in the country. Residents buy homes here, restore and maintain them per BAR codes resulting in a charming historic neighborhood. This is what tourist come to see in Old Town: a charming, well maintained historic neighborhood as well as the museums and wonderful historic sites.



625 N WASHINGTON ST □ SUITE 400 □ ALEXANDRIA, VA 22314

June 8, 2016

Mayor and Members of City Council
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Mayor Silberberg and Members of City Council,

On behalf of the City of Alexandria business owners and resident members on the Alexandria Small Business Development Center Board, I want to encourage your approval of the proposed zoning changes for small businesses.

We believe City staff has undertaken a comprehensive review of current ordinances and the community impacts of past administrative approval changes, and has carefully noted where current requirements are excessive and can be relaxed without adversely impacting the community. They have also sought to bring Alexandria's processes in line with current business operation trends.

Alexandria SBDC works with entrepreneurs going through the permitting processes and has witnessed the costly impacts that are characteristic of the unpredictable multi-hurdle review process. The small businesses that suit Alexandria's scale and character do not have deep pockets. Their funds and emotions are strained during the stressful startup process when they must be focused on buildout, staffing, inventory, competition and marketing. The multi-hurdle process adds weeks and sometimes months of delay before they can open and begin slowing their negative cash flow. The SBDC knows from experience that weak cash flow at the start can lead to eventual business failure.

We encourage you to approve the proposed zoning changes that will strengthen the viability of our small business economy and make this a more welcoming community for entrepreneurs.

I sincerely thank you,

Maurisa Turner Potts
Chairman, Alexandria Small Business Development Center

Cc: Mark Jinks, City Manager
Emily Baker, Deputy City Manager
Karl Moritz, Director of Planning
Stephanie Landrum, President & CEO, Alexandria Economic Development Partnership

Statement of Michael E. Hobbs
for the Planning Commission
June 9, 2016

Text Amendment #2016-0004

Thank you, Chairwoman Lyman and members of the Commission. I am Michael Hobbs, residing at 419 Cameron Street.

The essence of the case for these Small Business Zoning Amendments is that they will help to attract and retain small businesses to Alexandria by substantially reducing the time and cost burdens that the present system imposes on applicants seeking a Special Use Permit.

I doubt you will hear any testimony today opposing the attraction and retention of small business in Alexandria. That is not an absolute value, however, but one to be weighed in the context of how the operation of those businesses may impact the interest of other equally valid and important participants in the life of our community, both residential and commercial. As your staff report puts it, the core objective is to “strike the right balance between two important goals: supporting small business and protecting neighborhoods from any potential negative impacts that can come from commerce.”

The proposed Text Amendment alters that balance principally by shifting a number of uses from the traditional SUP process—with its provision for public hearings by the Planning Commission and the City Council—to the administrative SUP process, providing for a decision on the application by the Director of Planning and Zoning, without the requirement of public hearings by those bodies. The shift applies particularly to restaurants—and most especially to restaurants in Old Town, which have heretofore required a traditional Special Use Permit—I believe ever since the SUP mechanism was first established a quarter century or more ago.

The burden of the SUP public hearings on applicants may be considerably overstated, however. The SUP has become a kind of “whipping boy” to which all the blame for any difficulty in starting and continuing a business in Alexandria is attributed.

I would offer some contrasting views:

“The requirement of an SUP discourages new businesses from locating in Alexandria”

I would suggest that is demonstrably not so, at least in the case of restaurants in Old Town. The last time I counted, there were in the neighborhood of 100 restaurants in the King Street corridor between the waterfront and the Metro station, and quite a few more in other sectors of Old Town. A location on or near King Street in Old Town is a prize asset for a restaurateur. The SUP requirement did not drive away any of those who have opened here in increasing numbers over many years, and I suspect there is no shortage of potential applicants who would love to locate here if they had the chance.

“Administrative SUPs would help to retain our prized small businesses in Alexandria”

But by definition, the businesses which we want to retain—who are already here—have already gotten their SUP’s, so the requirement of an SUP is not something that drives them away. The SUP requirement would be a potential incentive to leave only in the case of an existing business that wanted to change its operation so substantially that an entirely new SUP would be required—and I suspect that is a pretty rare case.

The recent closures of some businesses with a long history in the community is cited as evidence of the difficulty of retaining our valued small businesses. (The closure of a well-known restaurant of long standing gained much public attention.) But those closures have come, typically, because the owner wished to retire or relocate after a long and successful career in Alexandria—not because he was daunted by the prospect of going through a full-hearing SUP application—which, in fact, he had already done. And note that in the case of our treasured independently owned and operated small retailers, an SUP was not required in the first place, and is not required in order to continue doing business in Alexandria.

“Full-hearing SUPs impose an unreasonable or intolerable cost burden on applicants”

Materials used by staff in the public meetings about this proposal indicate that the typical fees for a full-hearing SUP range from \$250 to \$325 more than for an administrative SUP. In the totality of the restaurateur’s business plan, a one-time expenditure of \$250-\$325 is likely to represent an insignificant proportion of his cost—certainly not such as to drive him away from Alexandria altogether. And even if it were a significant impediment, it would not be necessary to jettison the public hearing process to remove it: the fees are established by the City, and could be reduced or even eliminated if that were judged necessary to improve the competitive business climate in Alexandria.

There has been some suggestion that it is not the application fee itself that is the burden, but the ongoing cost that the applicant incurs (through rental of his business premises, for example) while awaiting action on his SUP application. It would not be an unreasonable burden, however, to expect of an applicant that he make inquiry to find out that he will, indeed, require an SUP for his restaurant in Old Town; to ask when that will be docketed for Council approval; and not to obligate himself for the payment of rent for months before his permit can be approved. Prudent “due diligence” would suggest no less.

“Full-hearing SUPs impose an unnecessary delay until the permit is granted and the business can begin operations.”

Staff estimates that the application process requires approximately 3 months for a full-hearing SUP, compared to only 30 days for an administrative SUP.

But it is not the hearing requirement that is responsible for most of that difference. Once an application has been reviewed by staff with sufficient care and evaluation to enable it to reach a conclusion that the application meets the necessary standards for approval, the additional time required for the SUP public hearings is not that much. Typically, a Staff Report and

Recommendation on an SUP is published from 4 to 11 days before the Planning Commission public hearing, and the Council public hearing happens 11 days after that. It is not the interval between the Staff Report and the Council meeting, but the staff's own filing deadline that requires submission of an application 80 days before the Council meeting at which it will be heard. Again, as with the fee schedule, if the timetable is believed to discourage applicants from coming to Alexandria, it is not necessary to jettison the public hearing requirement to correct that.

Inescapably, in shortening the application process from 90 to 30 days, what is lost or curtailed is the opportunity for public participation and comment by interested parties, and the degree of effort and care that the staff is able to devote to the evaluation of the proposal as against the zoning standards and the likelihood of any negative impacts on the community. If an application upon submission poses no significant issues—if it can be quickly evaluated as posing no likelihood of negative impacts beyond those that can be addressed by standard conditions—then it can be docketed for prompt Planning Commission and Council action: there is no need to delay its consideration for an additional two months. The hearing requirement, per se, is not what prolongs the process.

* * *

In striking the balance between abbreviating the SUP process and protecting neighborhoods from negative impacts, then, the reasons for retaining the SUP requirement for restaurants in Old Town remain as strong as they were in 2005, when we kept that requirement in the King Street Retail Strategy; in 2008, when we kept it in the first round of the Small Business Zoning Amendments; in 2010, when it was not found necessary to require any change to that requirement in the second round of Small Business amendments; and in 2012, when the Old Town Restaurant Policy's SUP requirement was found to be not an anachronism, but a useful and appropriate model for the inclusion of a similar policy in the new Waterfront Small Area Plan.

If, nonetheless, you reach a different conclusion, and determine to remove the requirement of an SUP for new restaurants in Old Town, I would urge at the very least that you adopt the further refinements recommended by staff to the proposed Text Amendments regarding administrative SUPs.

If one agrees with the threshold decision that Old Town restaurants should be moved from the SUP to the administrative SUP process, then the staff recommended Text Amendments are what the engineers might call an “elegant” solution. By incorporating the Old Town Restaurant Policies by reference as one of the specific standards for restaurants, and by including carefully drafted standards reflecting the conditions typically applied to full-hearing SUPs, the amendments preserve the bulk of the *substantive* protections presently afforded to the neighboring community, at least in theory. And by strengthening the general procedures for administrative SUPs on notice, the Director's option to return a proposal to the “full SUP process”, appeals, and the like, and the general standards that are to apply to all administrative SUPs, the current draft preserves much of the *procedural* protection that now pertains—at least

so much as that can be done given the basic determination that public comment in a public hearing is no longer to be a matter of right for any and all interested persons.

On balance, then, the impediment that the present public hearing requirement represents for the goal of attracting and retaining small business in Alexandria is probably vastly overstated. But the damage that would be done to the surrounding community by removing those hearings as an absolute requirement may be overstated as well. The goal stated in the staff report of "protecting neighborhoods from any potential negative impacts that can come from commerce" should remain your guide.

Thank you for your consideration.