



Text Amendment #2024-00002 ***Minor Updates***

<p>Issue: (A) Initiation of a Text Amendment and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to: (1) amend Sections of Article II to delete apartment hotel, bed and breakfast accommodation, guest room, and tourist home definitions; amend the hotel definition; and delete private academic school from the personal service definition; (2) amend Sections of Articles III, IV, V, and VI to remove apartment hotel, bed and breakfast accommodation, guest room, and tourist home as special uses; add outdoor dining located on private property within a commercial complex as a permitted use in the CRMU-X zone; add indoor recreation and entertainment use as a permitted use in the I/Industrial zone; (3) amend Sections 6-603 and 6-704 relating to auxiliary dwellings; (4) delete Section 6-800 related to King Street Outdoor Dining; (5) correct technical errors in Sections 7-202 and 7-2501; (6) delete Section 7-400 relating to bed and breakfast accommodation; (7) delete Section 8-200(A)(4) relating to off-street parking requirements for tourist homes; and (9) amend Sections 11-511 and 11-513 to clarify language related to reviews of and administrative amendments to Special Use Permits and to increase the number of seats allowed with an Administrative Special Use Permit for outdoor dining.</p>	<p>Planning Commission Hearing:</p>	<p>March 5, 2024</p>
	<p>City Council Hearing:</p>	<p>March 16, 2024</p>
<p>Staff: Tony LaColla, AICP, Division Chief anthony.lacolla@alexandriava.gov Sam Shelby, Principal Planner sam.shelby@alexandriava.gov Alexa Powell, Urban Planner alexa.powell@alexandriava.gov</p>		
<p>Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment.</p>		

PLANNING COMMISSION ACTION, MARCH 5, 2024: By unanimous consent, the Planning Commission voted to recommend approval of ZTA #2024-00002.

Reason: The Planning Commission agreed with staff analysis.

I. Summary

Staff proposes Zoning Ordinance amendments to correct errors, update regulations to accommodate changes in practices, and codify on-going staff interpretations.

These proposed minor updates amend various sections of the Zoning Ordinance related to commercial uses. The proposal also includes technical corrections. The following is a summary list of the proposed changes discussed in detail in this report with the specific text changes shown in Attachment 1:

- **Amend/delete definitions**
 - Delete definitions for tourist home, apartment hotel, and bed and breakfast accommodation.
 - Remove private school, academic with a maximum of 20 students at any one time from within the personal service establishment definition.
 - Amend hotel definition.
- **Consolidate accommodation uses**
 - Delete tourist home, apartment hotel, and bed and breakfast accommodation uses in all zones and consider most accommodation as a hotel use.
- **Amend administrative special use permit (SUP) regulations**
 - Allow up to 49 outdoor dining seats with administrative SUP approval.
 - Clarify administrative SUP review process.
 - Clarify administrative SUP amendment criteria.
- **Correct technical errors**
 - Add outdoor dining in a commercial complex in the CRMU-X (Commercial residential mixed use Old Town North) zone as a permitted use.
 - Amend the Mount Vernon Urban Overlay and King Street Urban Retail zones to make terminology consistent with other zones for auxiliary dwellings.
 - Correct cross-references for permitted obstructions related to fence height modifications in side and rear yards with BAR review and for freestanding garage provisions.
 - Delete all sections related to King Street outdoor dining, which was previously amended in 2022 with requirements moved to the City Code.
 - Add recreation and entertainment use, indoor as a permitted use in the I (Industrial) zone.

II. Background

Rationale for Proposed Text Amendments

Periodically, staff recommends minor updates to the Zoning Ordinance. These updates often include corrections to typographical errors, incorrect cross-references, and omissions. Staff also regularly proposes updates that clarify language, codify on-going staff

interpretations, and address unintended consequences. Additionally, staff tracks business inquiries to identify Zoning Ordinance updates required to accommodate new and evolving commercial uses. Since June 2022, when City Council approved the last round of minor updates, staff has identified additional issues and recommends the following Zoning Ordinance amendments in section III, below.

Staff originally considered defining electric vehicle (EV) charging in Article II and permitting it as an accessory use in all zones pursuant to section 7-101. Upon further consideration, staff concluded that EV charging need not be regulated as its own use. EV charging is always associated with a parking space or spaces and the Zoning Ordinance already regulates where and how parking spaces can be located and configured. Further, section 7-101 lists “structures or mechanical equipment associated with electric vehicle charging” as permitted accessory structures. The following table summarizes the approval process needed to add EV charging at different locations:

Existing or proposed driveway at a single-unit, two-unit, or townhouse dwelling	By-right approval
Existing off-street parking lot or garage	By-right approval provided that the number and size of off-street parking spaces remain unchanged. Minor site plan amendment may be required.
New, standalone off-street parking lot with 20 spaces or fewer	Site plan required (site plans are required for five spaces or more) Permitted by-right in most commercial and mixed-use zones Not permitted in most residential zones
New standalone off-street parking lot with more than 20 spaces	Site plan required Permitted with SUP approval in most commercial and mixed-use zones Not permitted in most residential zones
New off-street parking lot or garage associated with a principal use (residential, commercial, or mixed-use building)	Included with approvals needed for the principal use and building

III. DISCUSSION OF PROPOSED TEXT CHANGES

A. Amend/delete definitions

1. Amend hotel definition and delete apartment hotel, guest room, tourist home, and bed and breakfast accommodation:

In reviewing the Zoning Ordinance, staff identified several types of accommodation uses defined in Article II which are either indistinguishable from one another or which, from a land-use standpoint, result in similar impacts. Namely, these types of accommodation uses include tourist home (section 2-198), bed and breakfast accommodation (section 2-121), hotel (section 2-161), and apartment hotel (2-112). Staff recommends removal of tourist home, apartment hotel, and bed and breakfast accommodation in favor of classifying these uses as hotel uses. This proposal would consolidate these similar uses. Staff also recommends amending the hotel definition and deletion of the term guest room (section 2-153) to align with City Code regulations related to transient occupancy and to eliminate wording unrelated to land use considerations. Further explanation and analysis regarding the review process involved in this change is provided in section B, below.

2. Remove private school, academic with a maximum of 20 students at any one time from the personal service establishment definition (section 2-183.1).

The proposed revision removes private school, academic with up to 20 students as a personal service use, which is generally a permitted use in all commercial and mixed-use zones. There have been no requests for this size private academic school and removing it from the personal service definition will simplify the code. Based on the lack of demand it appears a one-room schoolhouse type model is no longer needed in the ordinance. If such a use does come forward, the applicant could seek approval through the full-hearing SUP process in zones where private schools are permitted with SUP approval. The private school use with fewer than 20 students could also be considered accessory to a permitted principal use in limited circumstances.

B. Consolidate accommodation uses

Remove tourist home, bed and breakfast accommodation, and apartment hotel uses in all zones and process these types of accommodation uses as hotels.

Currently tourist homes, apartment hotels, hotels, and bed and breakfast accommodation uses all require full hearing special use permit approval. To correspond with deletion of these terms in Article II, explained above, staff recommends deleting these uses from all commercial and mixed-use zones. By removing these uses, staff would classify most future accommodation uses as hotels. Staff would no longer regulate bed and breakfasts as a use. As such, staff recommends deletion of section 7-400 which establishes requirements for bed and breakfast accommodations.

Hotel uses are permitted with SUP approval in the same zones as tourist homes, apartment hotels, and bed and breakfast accommodations with only one exception. Bed and breakfast accommodations are also permitted to operate with SUP approval in the RM zone which does not allow hotels. However, the land use impacts of a bed and breakfast accommodations are indistinguishable from a private property owner who rents rooms in their home on a short-term basis. Removing bed and breakfast accommodations as a use functionally has no impact on such operations. It is also important to note that no SUPs for a bed and breakfast accommodation use have been sought in the RM zone and likewise no approvals have been granted for such operations in recent years.

C. Amend administrative special use permit (SUP) regulations

1. Change outdoor dining with an administrative special use permit to allow up to 49 seats rather than the current maximum of 40 seats.

More outdoor dining uses could be approved administratively with the proposed changes to the criteria for administrative SUP approval in Section 11-513(M)(3): increase of seats from 40 to 49. This represents a modest shift that would allow for a quicker permitting process for outdoor dining of this size and would not result in added neighborhood impacts. Any outdoor seating with 50 or more triggers added code requirements and could contribute to impacts, which staff would review in detail through a SUP review at public hearing.

2. Clarify standard SUP enforcement condition in section 11-513(C)(14).

This amendment establishes clear guidelines regarding the timing for SUP inspections and the Director's authority to re-docket an SUP.

3. Clarify administrative SUP amendment criteria.

Staff proposes amendments to section 11-511 to codify existing staff practices. These amendments establish clearer standards for when an administrative amendment to an SUP can be sought. These amendments would also exempt the following uses from administrative SUP amendments: automobile service station, outdoor live entertainment, drive through facility, and outdoor recreation and entertainment uses. Staff recommends exempting these uses as they have greater potential for neighborhood impacts and should not be eligible for staff-level approval.

D. Technical Errors

1. Add recreation and entertainment use, indoor as a permitted use in the I (Industrial) zone.

When the recreation and entertainment use was created in 2020, staff inadvertently left it out of permitted uses in the I zone. The Industrial zone is Alexandria's most permissive commercial zone and is intended to provide space for uses not permitted elsewhere in the city. As indoor recreation and entertainment use is allowed by-right in all other more restrictive commercial zones, it is also a suitable by-right use in the Industrial zone. As such, staff recommends listing indoor recreation and entertainment uses in the I zone as a permitted use (section 4-1202).

2. Include outdoor dining in a commercial complex in the CRMU-X (Commercial residential mixed use Old Town North) zone (section 5-402).

All other mixed-use zones allow for outdoor dining on private property in a commercial complex as a permitted use. When outdoor dining was first listed as a permitted use at a commercial complex in 2020, staff inadvertently left it out of the CRMU-X zone. Allowing this use by-right as it is in other mixed-use zones would establish parity across all zones.

3. Amendments to the Mount Vernon Urban Overlay and King Street Urban Retail zones to make terminology consistent with other zones for auxiliary dwellings

When the auxiliary dwellings policy was created in 2021, these sections of the zoning ordinance were overlooked. With this revision, staff aims to correct the ordinance to reflect the 2021 policy update.

4. Correct cross references in the permitted obstructions and freestanding garages sections.

Staff identified errors in the zoning ordinance where the incorrect cross-reference is cited. These changes correct these citations and clarifies the language of these provisions.

5. Fix an administrative error by removing all references to the King Street outdoor dining section in the zoning ordinance.

Staff identified an error in the zoning ordinance stemming from the 2023 King Street outdoor dining program update. This revision will remove all King Street outdoor dining regulations from the Zoning Ordinance. All requirements for outdoor dining in the City's public right-of-way were transferred to the City Code with the 2023 update.

IV. Recommendation

Staff recommends initiation and approval of the proposed text amendments.

Staff: Alexa Powell, Urban Planner
Tony LaColla, AICP, Division Chief
Christina Zechman Brown, Deputy City Attorney
Sam Shelby, Principal Planner
Ann Horowitz, Principal Planner
Mary Christesen, Zoning Manager

Attachments: Proposed Zoning Text Amendments

Proposed Zoning Text Amendments

Sec. 2-100 – Definitions.

For the purposes of this ordinance, the following words and phrases shall have the meaning assigned below, except in those instances where the context clearly indicates a different meaning.

2-112 – ~~Reserved.~~ Apartment hotel

~~A building or portion thereof designed for or containing guest rooms or suites of rooms for transient occupants with private cooking facilities for occupancy on a short or long term basis.~~

2-121 – ~~Reserved.~~ Bed and breakfast accommodation.

~~A single unit, two unit or townhouse dwelling in which, as an accessory use, no more than two bedrooms are made available for transient occupancy, generally for not more than a total of five guests at one time or for more than seven days per visit.~~

2-153 – ~~Reserved.~~ Guest room.

~~A room which is designed or intended for occupancy by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.~~

2-161 – Hotel.

~~Any nonresidential building or portion thereof under common management or ownership which contains guest rooms used which are designed or intended to be used, let or hired out for transient, as defined in City Code section 3-2-141, occupancy as a temporary residential by, or which are occupied by guests ten or more individuals for compensation to be paid directly or indirectly and including but not limited to motels, auto courts, and motor lodges.~~

2-183.1 – 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:

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

2-198 – ~~Reserved.~~ Tourist home.

~~A building in which board or rooms or both are offered to the traveling public for compensation and which is open to transient guests, not exceeding nine individuals, as distinguished from a rooming house or co-living dwelling.~~

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

3-803 – Special uses.

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

(A) ~~Reserved Apartment hotel.~~

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

3-903 – Special uses.

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

(A) ~~Reserved Apartment hotel.~~

Sec. 3-1100 – RM/Townhouse zone.

3-1103 – Special uses.

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

(A) ~~Reserved Bed and breakfast accommodation, as permitted by section 7-400.~~

Sec. 4-400 CG/Commercial general zone.

4-403 – Special uses.

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

~~(B.1) Apartment hotel;~~

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

4-503 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

~~(B.1) Bed and breakfast accommodation, as permitted by section 7-400.~~

(Y) ~~Reserved Tourist home.~~

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

4-603 – Special uses.

(B) ~~Reserved Apartment hotel.~~

(W) ~~Reserved Tourist home.~~

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

4-803 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-903 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-1003 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-1103 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

Sec. 4-1200 - I/Industrial zone.

4-1202 – Permitted uses.

The following uses are permitted in the I zone:

(U.1) Recreation and entertainment use, indoor;

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

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:

(B) ~~Reserved Apartment hotel.~~

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

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:

(B) ~~Reserved Apartment hotel.~~

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

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:

(B) ~~Reserved Apartment hotel.~~

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

5-402 – Permitted uses.

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

(G) Social service use;

(H) Outdoor dining located on private property within a commercial complex.

5-403 – 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 5-609 below:

(I) ~~Reserved Apartment hotel.~~

Sec. 5-600 – CDD/Coordinated development district.

5-602 – Coordinated development districts created, consistency with master plan, required approvals.

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

Table 1. Coordinated Development Districts

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			***	***	Uses
***	***	***	***	***	***
2	Eisenhower Avenue Metro	***	***	***	Active recreational uses; animal care facility; animal care facility with overnight accommodation; any use with live entertainment; apartment hotel ; business and professional office; child care home; church; congregate housing facility; congregate recreational facility; continuum of care facility; day care center; dwelling, multi-unit; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or

					private club; health and athletic club or fitness studio; health profession office; helistop; homeless shelter; hospice; hospital; hotel; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor dining located on private property; outdoor dining and outdoor retail display and sales pursuant to 5-602(E)(14) and (15); outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use, indoor and
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					<p>outdoor; restaurant; retail shopping establishment; theater, live; social service use; solar energy system not serving a building, valet parking; and veterinary/animal hospital</p>
***	***	***	***	***	***
29	Landmark Neighborhood	***	***	***	<p>Active recreational uses; animal care facility; any use with live entertainment; apartment hotel; business and professional office; child care home; church; congregate housing facility; congregate recreational facility; continuum of care facility; day care center; dwelling, multi- unit; dwelling, townhouse; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and</p>

					athletic club or fitness studio; health profession office; helistop; hospice; hospital; hotel; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use; restaurant; retail shopping establishment; social service use; valet parking; and veterinary/animal hospital
30	Potomac River Generating Station	***	***	***	Active recreational uses; animal care facility; any use

					<p>with live entertainment; apartment hotel; arts and cultural anchors and tenants; business and professional office; child care home; church; congregate recreational facility; continuum of care facility; day care center; dwelling; multi-unit; dwelling, townhouse; dwelling, co-living; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and athletic club or fitness studio; health profession office; helistop; hospice; hospital; hotel; interim surface parking lots for non-construction uses on undeveloped blocks; light assembly, service, and crafts; medical care facility; medical</p>
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					laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use; restaurant; retail shopping establishment; social service use; valet parking; and veterinary/animal hospital
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Sec. 6-600 – Mount Vernon Avenue urban overlay zone.

6-603 – Uses.

(E) Auxiliary dwellings. Up to eight auxiliary dwelling units are permitted and shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. Such dwellings shall comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

~~Accessory apartments. The regulation for accessory apartments auxiliary dwellings in section 4-108 is modified to allow residential uses on the upper floors of a building to apply to up to eight apartments units.~~

Sec. 6-700 – KR/King Street urban retail zone.

6-702 – Uses.

(B) *Upper floor uses.*

(2) *Special uses.*

(b) ~~Reserved Apartment hotel.~~

6-704 – Auxiliary dwellings.

~~A maximum of eight auxiliary dwelling units, located on a floor or floors above retail or commercial uses, shall be permitted. Such dwellings shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. Each such dwelling shall provide a minimum of one parking space for each dwelling unit, and the parking spaces may be compact size or tandem and parking may be located either on the site or within 500 feet of it.~~

Sec. 6-800 ~~Reserved. King Street outdoor dining overlay zone.~~

~~6-801 Reserved.~~

~~6-802 Reserved.~~

~~6-803 Reserved.~~

~~6-804 Reserved.~~

~~6-805 Reserved.~~

~~6-806 – Additional encroachment requirements.~~

~~An outdoor dining area located within the public right-of-way shall also comply with the following specific requirements for encroachments:~~

~~A. Any such encroachment shall be subject to and conditioned upon the restaurant maintaining a policy of general liability insurance in the amount of \$1,000,000.00 which~~

will indemnify the owner (and all successors in interest) and the city as an additional named insured, against all claims, demands, suits and related costs, including attorneys' fees, arising from any bodily injury or property damage which may occur as a result of the encroachment. A policy of general liability insurance to establish and maintain the encroachment and operate a restaurant within the encroachment area shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

~~B. By accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.~~

~~C. The authorization granted by a permit approved under this section 6-800 to establish and maintain the encroachment is not intended to constitute, and shall not be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.~~

~~D. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right-of-way during repair, maintenance or replacement of the public right-of-way or any public facilities or utilities in the area of encroachment.~~

~~E. The authorization granted by a permit approved under this section to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right-of-way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the City. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the City shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.~~

~~F. No fees or charges imposed pursuant to sections 3-2-81 through 3-2-85 of the City Code shall be applicable to encroachments authorized by this section 6-800, but the fee established pursuant to section 6-804(F) shall be applicable.~~

~~6-807—Section controlling.~~

~~In order to establish a uniform set of regulations for outdoor dining in the public right-of-way, the provisions of this section 6-800 shall supersede and preempt conflicting provisions applicable in the public right-of-way, which are included in any encroachment ordinance, special use permit~~

~~or administrative permit approved prior to June 26, 2007; provided, however, that nothing in this section 6-807 shall be deemed to reduce the approved number of seats, or to require the removal of any approved barrier permanently fixed or attached to the right of way, authorized by any such ordinance or permit.~~

(Ord. No. 4414, § 2, 6-21-05; Ord. No. 4494, § 1, 6-26-07; Ord. No. 4521, § 1, 3-15-08; Ord. No. 5227, §§ 6—9, 5-18-19; Ord. No. 5456, § 1, 10-15-22; Ord. No. 5480 , § 1, 3-18-23; Ord. No. 5490 , § 5, 5-13-23)

ARTICLE VII – SUPPLEMENTAL ZONE REGULATIONS

7-202 – Permitted obstructions.

The following obstructions shall be permitted when located in a required yard and placed so as not to obstruct light and ventilation and when otherwise permitted by law:

(D) In the Old and Historic Alexandria and the Parker-Gray Districts, the requirement of sections 7-202(A)(1) and ~~7-202(C)(1)(B)(3)~~ may be waived or modified by the board of architectural review where the board finds that a proposed fence would be architecturally appropriate and consistent with the character of the district.

Sec. 7-2500 – Private garages.

7-2501 – Freestanding private garages to the rear to the rear of the main building.

The supplemental regulations in this section 7-2501 apply to residential lots developed or proposed to be developed with a single-unit or two-unit dwelling in the R-20, R-12, R-8, R-5, R-2-5, RA and RB zones, not including property located within the Old and Historic Alexandria and Parker-Gray Districts. Freestanding private garages located within required yards or excluded from floor area shall be permitted subject to the following standards:

(A) Regardless of other regulations in this zoning ordinance, a freestanding garage is permitted to the rear of the main building in accordance with the regulations in this section ~~7-2501-7-2502~~ so long as it is the only garage on the lot or adjacent vacant lot under common ownership. The floor area of such a garage constructed in accordance with the standards of this section will be excluded from the floor area calculated under the provisions of section 2-145(A)(6).

(B) Standards.

(1) *Size.* For lots with a minimum of 2,500 square feet and with less than 8,000 square feet lot area, the garage shall have a floor area not greater than 250 square feet and a height not greater than 11.50 feet. For lots 8,000 square feet or larger,

the garage shall have a floor area not greater than 500 square feet and a height not greater than 13.50 feet. The director may modify the height permitted in this section ~~7-2501-7-2502~~ (B)(1) when the height and design of the garage are appropriate and compatible with the main dwelling and with the character of the immediate neighborhood.

Sec. 7-400 – Reserved ~~Bed and breakfast accommodations.~~

~~Bed and breakfast accommodations shall be subject to the following minimum requirements:-~~

- ~~(A) The owner of the premises shall reside in and manage the establishment.~~
- ~~(B) The establishment shall contain no restaurant and shall provide no regular meal service other than breakfast for resident guests.~~
- ~~(C) The establishment shall be registered with the city and comply with all requirements of the city and state codes.~~
- ~~(D) Each establishment shall maintain an accurate record of each individual guest and the duration of his stay. Such records may be requested and reviewed by the city upon notice.~~

8-200 - General parking regulations.

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

- (4) Reserved ~~Tourist homes: one space for each two guest rooms.~~

11-511 – Administrative amendment to special use permit ~~SUP~~.

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

- (A) *Amendments authorized.*

- (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 changes to an approved special use permit if after determining that:~~

- (a) The existing special use is not an automobile service station; outdoor live entertainment; drive through facility; or recreation and entertainment use,

~~outdoor; 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) The proposal will not increase gross floor area occupied by the use by more than one-third Up to 33 percent additional floor area;~~

~~(b.1)(ii) The proposal complies with 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; and~~

~~(d) The proposal proposed change does not change amend or delete conditions established that were included to address community concerns.~~

11-513 – Administrative special use permit.

An applicant may seek the director's approval of a use identified in this ordinance as one for which administrative special use permit approval is available pursuant to the standards and procedures outlined in this section.

(C) General standards for all administrative uses:

~~(8) Reserved The use must comply with the city's noise ordinance.~~

~~(14) The director of planning and zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years for compliance with all conditions and may 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 new or revised conditions are needed to offset land use impacts not addressed in the City Code ~~there are problems with the operation of the use and that new or revised conditions are needed.~~~~

(M) Specific standards for outdoor dining on private property.

(3) A maximum of ~~49~~⁴⁰ seats may be located at outdoor tables.