

**City of Alexandria
Meeting Minutes
Saturday, January 24, 2026 9:30 AM
City Council Chamber at Del Pepper Community Resource Center
City Council Public Hearing**

Present: Mayor Alyia Gaskins, Vice Mayor Sarah R. Bagley, Members of Council Canek Aguirre, John Taylor Chapman, Abdel Elnoubi, Jacinta E. Greene, and R. Kirk McPike.

Absent: None.

Also Present: Mr. Parajon, City Manager; Ms. Cordell Ivery, City Attorney; Ms. Brown, Deputy City Attorney; Ms. Zechman Brown, Deputy City Attorney, Mr. Stoddard, Director, Planning and Zoning (P&Z); Mr. Conkey, P&Z; Ms. Baker, Deputy City Manager; Mr. Gonsalves, Assistant City Manager;

Recorded by: Gloria Sitton, City Clerk and Clerk of Council.

I. OPENING

1. Calling the Roll.

Mayor Gaskins called the meeting to order and the City Clerk called the roll. All members of Council were present.

2. Approval of Electronic Participation Resolution (if needed).

Not needed.

II. Proclamation and Recognitions

None.

3. Public Discussion Period

The following persons participated in the public discussion period:

1. John Lawrence, representing the Juvenile Detention Commission, gave an update on the activities of the Commission and activities for the juveniles.

2. Perrin Krisko, Alexandria, representing the Environmental Policy Commission, gave a monthly update of the activities of the EPC.

3. Alison O'Connell, Alexandria, spoke about occupation in Palestine and spoke about divesting from Israel.

4. Melissa Elbirt, Alexandria, spoke about the divesting from Israel and companies that support ICE and occupation in Palestine.

5. Emma Mahler, Alexandria, spoke about ICE raids in the community and divest from companies supporting ICE and occupation in Palestine.

6. Katherine O'Connell, Alexandria, spoke about ICE raids and the need to divest from companies supporting them.

7. Glen Pine, Alexandria, spoke about ICE raids in the community and divest from companies support them.

8. Florence Moore, Alexandria, spoke about divesting from Israel and companies who support the country.

9. Hon. Mo Seifeldein, Alexandria, spoke about divesting from Israel and companies who support genocide.

10. Nikki Enfield, Alexandria, spoke about divesting from Israel and companies that support ICE.

11. Katie Cormier, Alexandria, spoke in about divesting from Israel.

12. Julie Millsap, Alexandria, spoke about the need to stop support of ICE by the Sheriff.

13. Jessica Tipton, Alexandria, spoke about the need to stop support of ICE by the Sheriff.

14. Katharine Schulman, Alexandria, spoke about the need to stop support of ICE by the Sheriff.

15. Michael Gering, Arlington, Virginia, spoke about the need to stop support of ICE by the Sheriff.

*****The following people spoke after the docketed items*****

16. Miranda Milo, Alexandria, spoke about the need to stop the Sheriff's cooperation with ICE.

17. Rizwan Chaudry, Alexandria, spoke about the need to stop support of ICE

by the Sheriff

18. Catherine Dafin, 3729 Mark Drive, Against

19. Nicholas Gentry, Alexandria, spoke against the Sheriff's cooperation with ICE.

20. Marietta Phillips, Alexandria, spoke against the Sheriff's cooperation with ICE.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Vice Mayor Bagley and carried unanimously, City Council closed the public discussion period. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, and Councilwoman Greene; Opposed, none.

III. Action Docket
Roll-Call Consent Items (4-8)

4. Development Special Use Permit #2025-10021
3120 Colvin Street - Colvin Street Garage
Public Hearing and consideration of a request for an extension of a previously approved Development Special Use Permit and Site Plan (DSUP#2021-10022) with a modification, to construct a commercial building for a general automobile repair and a warehouse use; zoned I/Industrial.
Applicant: 3120 Colvin LLC, represented by Duncan Blair, Attorney
Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 4; 01/24/26, and is incorporated as part of this record by reference.)

5. Master Plan Amendment #2025-00005
Rezoning #2025-00006
Special Use Permit #2025-00066
Encroachment #2025-00009
732 North Washington Street & 710 Madison Street
Public Hearing and consideration of a request for (A) an amendment to the Old Town North Small Area Plan Chapter of the Master Plan to change the Recommended Height District Limits Map to allow for 55 feet in building height; (B) a Rezoning from CD-X/Commercial Downtown zone (Old Town North) to CRMU-X/Commercial Residential Mixed use (Old Town North) zone; (C) Special Use Permits for a multi-unit residential use and a parking reduction; and (D) an Encroachment into the public right-of-way for upper floor balconies to facilitate the conversion of an existing office building to a multi-unit residential building; zoned CD-X/ Commercial Downtown.

Applicant: 732-806 Development LLC represented by Kenneth Wire, Wire Gill LLP, Attorney
Planning Commission Action: MPA2025-00005 - Adopt Resolution 7-0;
REZ2025-00006 - Recommend Approval 7-0; SUP2025-00066 - Recommend Approval 7-0; ENC2025-00009 - Recommend Approval 7-0.

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 01/24/26, and is incorporated as part of this record by reference.)

6. Public Hearing, Second Reading, and Final Passage of an Ordinance to lease and manage the Torpedo Factory Art Center (TFAC) to Initiate And Establish The Process To Grant An Agreement For The Lease, Management, And Operation Of The Torpedo Factory Arts Center ("TFAC"), Owned By The City Of Alexandria And Located At 105 Union Street.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.)

7. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Article II (DEFINITIONS) to amend certain commercial and nonresidential definitions; Articles III (RESIDENTIAL ZONE REGULATIONS) IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES), V (MIXED USE ZONES), VI (SPECIAL AND OVERLAY ZONES), and VII (SUPPLEMENTAL ZONE REGULATIONS) for certain commercial and nonresidential uses, change from special to administrative uses and special and administrative to permitted uses, add uses to more zones, and use limitations and allow accessory uses to park in existing parking facilities on nonresidential properties; Article VIII (OFF-STREET PARKING AND LOADING) to amend parking requirements associated with significantly altered structures or buildings, indoor and outdoor recreation and entertainment uses, health and athletic club or fitness studios uses, and shared off-street parking facilities; Article XI (DEVELOPMENT APPROVALS AND PROCEDURES) to reduce the processing time for an administrative special use permit change of ownership and amend administrative special use permit standards; and Article XII (NONCOMPLIANCE AND NONCONFORMITY) to delete inconsistent provisions of the City of Alexandria Zoning Ordinance, in

accordance with the text amendment heretofore approved by city council as Text Amendment No. 2025-00007 (Implementation Ordinance for Text Amendment No. 2025-00007 for Commercial Uses Zoning Regulations approved by City Council on December 12, 2025).

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 01/24/26, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 01/24/26, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 7; 01/24/26, and is incorporated as part of this record by reference.)

8. Public Hearing, Second Reading and Final Passage of an Ordinance to amend and reordain Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 598 South Alfred Street from RB/Townhouse zone to RMF/Residential multi-unit zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2025-00004 (Implementation Ordinance for Rezoning No. 2025-00004 associated with 598 South Alfred Street/Old Towne West - Block 3 approved by City Council on December 13, 2025).

(A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 01/24/26, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 8; 01/24/26, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilwoman Greene, seconded by Vice Mayor Bagley and carried unanimously by roll-call vote, City Council approved the action docket, with the exception of items 5 and 6, which were considered under separate motions. The approvals were as follows:

4. City Council closed the public hearing and approved the Planning Commission recommendation.

7. City Council closed the public hearing and adopted the ordinance as it relates to Text Amendment No. 2025-00007 for Commercial Uses Zoning Regulations approved by City Council on December 13, 2025.

The ordinance reads as follows:

ORDINANCE NO. 5614

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

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2025-00007, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 2, 2025 of a text amendment to the Zoning Ordinance to adopt various changes to commercial use regulations, which recommendation was approved by the City Council at public hearing on December 13, 2025;
2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;
3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Article II of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new

language shown in underline, as follows:

Sec. 2-100 - Definitions.

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

2-118 – Automobiles, recreational vehicles, and trailer rental or sales area.

An automobile related use which may consist of:

- (A) An open, outdoor display area for automobiles, recreational vehicles, or trailers for rent, lease or sale; provided, that such display area shall not be used for required accessory parking, and no repair work of any description shall be performed on such display area;
- (B) Buildings for the indoor display and sale of automobiles, recreational vehicles, or trailers, and for the display and sale of motor vehicle tires, batteries, accessories, or parts, for accessory light automobile repair, or for accessory office and storage space; or

2-119.2 - Awning or canopy.

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

2-126 - Business and professional office.

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

2-145 - Floor area.

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

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

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

2.164.1 - Live entertainment.

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

2-173 - Manufacturing.

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

~~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;~~

~~Photographic equipment, excluding film;~~

2-177 - Motor vehicle parking or storage.

Any land, building or structure where motor vehicles are parked or stored as a principal use, ~~or for other than the occupants, residents or visitors of a principal use.~~

2-183.1 - Personal service ~~establishment.~~

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

~~Arts and crafts studios or stores;~~

~~Barbershops and beauty shops;~~

~~Optical center;~~

~~Furniture upholstering shops;~~

2-184 - Reserved Place of worship.

A building or structure intended for organized religious services and activities.

2-190 - Restaurant.

~~An public place establishment where engaged in the preparation and sale of food and beverages are sold to customers for on-site consumption at tables or counters and may include in a form suitable for carryout or delivery. or for immediate consumption with facilities for consuming such food and beverages available on the premises. This definition shall not be construed to include special events sponsored by an athletic, charitable, civic, educational, fraternal, political or religious organization in a park or other public place, churches, synagogues, fraternal lodges, school cafeterias and dining halls, food vending machines, mobile food units, pushcarts, ball park and sports arena refreshment stands or retail stores. Commercial banquet facilities or event spaces for hosting gatherings, receptions, or conferences with food and beverage service shall also be classified as a restaurant.~~

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:

Art and craft supplies;

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

~~Clothing, clothing and accessories and dry goods;~~

~~Department stores;~~

~~Drugstores~~

Optical products;

Pharmacies;

~~Retail shopping establishments does 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.~~

2-198.1 - Theater, live ~~Reserved~~.

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

2-200 - Trailer.

~~A residence, house car, camp car or any portable or mobile vehicle structure on wheels, which is used or may be used for residential, commercial, hauling or storage purposes, except any vehicle or structure which is a recreational vehicle. The rRemoval of a trailer's wheels or the placement of a trailer on a permanent foundation shall not alter its~~

classification as a trailer, ~~provided that such regulation shall not apply to~~ except for manufactured housing that meets applicable building and foundation installation standards. This definition excludes recreational vehicles and temporary storage units in place for 30 days or less.

2-200.2 - Use, accessory.

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

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

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

3-102 - Permitted uses.

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

~~(D) Church;~~

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

(E) Place of worship;

(F) Public building;

~~(FG) Public park;~~

~~(GH) Public school;~~

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

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~~ place of worship or school building;

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

3-103 - Special uses.

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

~~(D) Private school, academic;~~

(F) Any ~~church~~ place of worship or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided,

however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

3-106 - Bulk and open space regulations.

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

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

3-202 - Permitted uses.

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

(D) ~~Church~~;

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

(E) Place of worship;

(F) Public building;

~~(FG)~~ Public park;

~~(GH)~~ Public school;

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

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 churchplace of worship or school building;

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

3-203 - Special uses.

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

(D) Private school, academic;

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

3-206 - Bulk and open space regulations.

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

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

3-302 - Permitted uses.

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

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

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 churchplace of worship or school building;

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

3-303 - Special uses.

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

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

3-306 - Bulk and open space regulations.

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

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

3-402 - Permitted uses.

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

(D) ~~Church~~;

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

(E) Place of worship;

(F) Public building;

~~(FG)~~ Public park;

~~(GH)~~ Public school;

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

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~~place of worship or school building;

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

3-403 - Special uses.

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

(D) Private school, academic;

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

3-406 - Bulk and open space regulations.

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

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

3-502 - Permitted uses.

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

(E) ~~Church~~;

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

(F) Place of worship;

(G) Public building;

- (G) Public park;
- (H) Public school;
- (J) Utilities, as permitted by section 7-1200.

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~~place of worship or school building;

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

3-503 - Special uses.

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

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

3-506 - Bulk and open space regulations.

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

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

3-602 - Permitted uses.

The following uses are permitted in the RA zone:

- (G) ~~Church~~;
- (H) Home occupation, as permitted by section 7-300;
- (H) Place of worship;
- (I) Public building;
- (J) Public park;
- (K) Public school;
- (L) Utilities, as permitted by section 7-1200.

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~~place of worship or school building;

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

3-603 - Special uses.

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

(G) Private school, academic;

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

Sec. 3-700 - RB/Townhouse zone.

3-702 - Permitted uses.

The following uses are permitted in the RB zone:

(F) ~~Church~~;

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

(G) Place of worship;

(H) Public building;

~~(H) Public park;~~

~~(K) Public school;~~

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

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~~place of worship or school building;

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

3-703 - Special uses.

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

(F) Private school, academic;

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

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

3-802 - Permitted uses.

The following uses are permitted in the RCX zone:

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

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:

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

3-803 - Special uses.

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

- ~~(G) Private school, academic;~~

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

- ~~(1) Bank, saving and loan bank or association, and similar financial institution;~~
- ~~(2) Barber shop or beauty shop;~~
- ~~(3) Cleaning, laundry or pressing agency with no actual operations on premises~~Business and professional office;
- ~~(4) Day care center;~~
- ~~(5) Drugstore~~Health and athletic club or fitness studio;
- ~~(6) Gift shop~~Medical care facility;
- ~~(7) Grocery store or convenience store, where products are not prepared or consumed on premises~~Personal service;
- ~~(8) Health and athletic club or fitness studio~~Restaurant;
- ~~(8.1) Medical care facility~~Retail;
- ~~(9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours;~~

~~(I) Restaurant;~~

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

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

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

(E) Church;

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

(F) Place of worship;

(G) Public building;

~~(H) Public park;~~

~~(H) Public school;~~

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

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

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

~~(3) Cleaning, laundry or pressing agency with no actual operations on premises;~~Personal service;

~~(4) Drugstore;~~Retail;

~~(5) Grocery or convenience store, where products are not prepared or consumed on the premises;~~

~~(6) Gift or florist shop;~~

~~(6.1) Health and athletic club or fitness studio;~~

~~(7) Professional, business and health profession office provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and~~

~~(J)~~ (K) Utilities, as permitted by section 7-1200.

3-902.1 - Administrative special uses.

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

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

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

3-903 - Special uses.

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

(H) Private school, academic;

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

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

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

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

~~(4) Day care center;~~

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

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

~~(7) Grocery store or convenience store, where products are not prepared or consumed on premises~~ Personal service;

~~(8) Health and athletic club or fitness studio~~ Restaurant, which may be located on the top floor or the roof of the building;

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

~~(8.2) Outdoor dining on private property;~~

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

~~(10) Restaurants and, in the case of a building which is seven or more stories, the restaurant may be located on the top floor or the roof of the building.~~

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

Sec. 3-1000 - RD/High density apartment zone.

3-1001 - Permitted uses.

The following uses are permitted in the RD zone:

(B.1) ChurchPlace of worship;

(C) The following uses within a multi-unit building provided they occupy no more than an aggregate measure of ten percent of the gross floor area of said building:

~~(1) Barbershop or beauty shop;~~

~~(2) Business and professional office;~~

~~(32) Cleaning, laundry or pressing agency with no actual operations on premises~~Personal service;

~~(43) Florist shop~~Retail;-

~~(5) Photographic studio;~~

~~(6) Stationery store;~~

3-1002 - Special uses.

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

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

Sec. 3-1100 - RM/Townhouse zone.

3-1102 - Permitted uses.

The following uses are permitted in the RM zone:

(F) Church;

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

(HG) Place of worship;

(H) Public building;

(HI) Public park;

(IJ) Public school;

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

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~~place of worship or school building;

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

3-1103 - Special uses.

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

(G) Private school, academic;

(J) Any ~~church~~place of worship or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided,

however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

Sec. 3-1200 - RS/Townhouse zone.

**

3-1202 - Permitted uses.

The following uses are permitted in the RS zone:

~~(C.1) Church;~~

(E) Place of worship;

(F) Public building;

~~(EG) Public park;~~

(H) Public school;

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

3-1203 - Special use.

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

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

Sec. 3-1300 - RT/Townhouse zone.

3-1302 - Permitted uses.

The following uses are permitted in the RT zone:

~~(C.1) Church;~~

(E) Place of worship;

(F) Public building;

~~(EG) Public park;~~

(H) Public school;

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

3-1303 - Special uses.

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

(E) Any ~~church~~ place of worship or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided,

however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-1402 - Permitted uses.

The following uses are permitted in the RMF zone:

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

(1) Personal service establishment;

(4) Retail shopping establishment;

(4.1) Private school, academic;

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

(G) Public building;

(H) Public school.

3-1403 - Special uses.

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

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

3-1409 - Use limitations.

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

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

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

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

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

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

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

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

(E) Church;

~~(E.1) Day care center;~~

(E.1) Fraternal or private club;

(E.2) Funeral home;

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

(H) Personal service establishment;

(H.1) Place of worship;

(H.2) Private school, academic;

(I.1) Public building;

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

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

4-102.1 - Administrative special uses.

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

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

(F) ~~Reserved;~~

~~(G) Valet parking.~~

4-103 - Special uses.

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

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

~~(E) Fraternal or private club Reserved;~~

~~(F) Funeral home Reserved;~~

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

~~(L) Public building;~~

~~(L.1) Recreation and entertainment use, outdoor;~~

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

~~(N) Reserved.~~

4-107 - Use limitations.

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

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

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

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

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

plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

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

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

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

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

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

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

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

(E) Church;

~~(E.1) Day care center;~~

(E.1) Fraternal or private club;

(E.2) Funeral home;

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

(H.1) Place of worship;

(H.2) Private school, academic;

(H.43) Private school, commercial;

(H.4) Public building;

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

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

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:

~~(B) Restaurant~~Child or elder care home, other than pursuant to section 4-202;

~~(F) Reserved;~~

~~(G) Valet parking.~~

4-203 - Special uses.

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

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

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

~~(H) Fraternal or private club~~Reserved;

~~(I) Funeral home~~Live entertainment, with any use;

~~(N.4) Outdoor market, other than pursuant to section 4-202.1;~~

~~(N.21) Outdoor garden center, other than pursuant to section 4-202.1;~~

~~(O) Reserved;~~

~~(P) Private school, academic, with more than 20 students at any one time;~~

~~(Q) Public building;~~

~~(Q.1) Recreation and entertainment use, outdoor;~~

~~(R~~P~~) Retail shopping establishment, larger than 20,000 gross square feet;~~

~~(S) Reserved.~~

4-207 - Use limitations.

~~(A) All operations, including storage, shall be conducted~~located within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-200 and City Code section 5-2-29, as applicable.

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

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

~~(E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and~~

unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

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

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

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

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

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

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

~~(E) Church;~~

~~(E.1) Day care center;~~

(E.1) Fraternal or private club;

(E.2) Funeral home;

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

~~(H) Personal service establishment;~~

(H.1) Place of worship;

- ~~(H.12) Private school, commercial/academic;~~
- ~~(H.3) Private school, commercial;~~
- ~~(H.4) Public building;~~

- ~~(J) Retail shopping establishment, up to 20,000 gross square feet;~~
- ~~(J.1) Restaurant located within a commercial complex or hotel, pursuant to section 7-1900;~~

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:

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

- ~~(F) Reserved;~~
- ~~(G) Valet parking.~~

4-303 - Special uses.

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

- ~~(A.1) Any use with live entertainment;~~

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

- ~~(D) Bus shelter on private property~~ Reserved;

- ~~(K) Fraternal or private club~~ Reserved;

- ~~(L) Funeral home~~ Reserved;

- ~~(N) Reserved~~ Live entertainment, with any use;

- ~~(U) Reserved;~~

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

- ~~(W) Public building;~~

- ~~(W.1U)~~ Recreation and entertainment use, outdoor;

- ~~(XV)~~ Research and testing laboratory;

- ~~(YW)~~ Retail shopping establishments, larger than 20,000 gross square feet;

- ~~(Z) Reserved;~~

- ~~(AAX)~~ Storage buildings and warehouses, not to include freight distribution centers;

- ~~(BBY)~~ Wholesale business.

4-307 - Use limitations.

- (A) ~~All operations, including storage, shall be conducted~~located within a completely enclosed building, ~~with the exception of outdoor uses pursuant to section 4-300 and City Code section 5-2-29, as applicable.~~
- (B) ~~Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic.~~ Reserved.
- (C) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~ Reserved.

- (E) ~~No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.~~
- (F) ~~A day care center or commercial school shall obtain all required state, federal and local licenses and certificates prior to opening its place of business~~Reserved.
- (G) ~~A~~Day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and vehicular traffic. ~~The~~ Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.

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

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

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

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

~~(E) Church;~~

~~(E.1) Day care center;~~

(E.1) Fraternal or private club;

(E.2) Funeral home;

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

(H.1) Place of worship;

(H.2) Private school, academic;

~~(H.13) Private school, commercial;~~

~~(I) Personal service establishment;~~

(I.1) Public building;

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

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

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) Restaurant~~ Child or elder care home, other than pursuant to section 4-402;

~~(F) Reserved;~~

~~(G) Valet parking.~~

4-403 - Special uses.

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

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

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

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

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

~~(L) Funeral home~~ Reserved;

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

~~(U) Reserved;~~

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

~~(X) Public building;~~

~~(Y) Recreation and entertainment use, outdoor;~~

~~(Z) Retail shopping establishments, larger than 20,000 gross square feet;~~

~~(Z) Reserved.~~

4-407 - Use limitations.

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

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

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

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

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

high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

Sec. 4-500 CD/Commercial downtown zone.

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

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

(E) ChurchReserved;

(F.2) Fraternal or private club;

(F.3) Funeral home;

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

(I) Personal service establishment;

(I.1) Place of worship;

(I.2) Private school, academic;

(J.1) Public building;

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

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

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 section:

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

~~(E) Restaurant;~~

~~(F) Valet parking.~~

4-503 - Special uses.

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

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

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

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

~~(J) Funeral home;~~

~~(K) Reserved;~~

- ~~(L) Reserved;~~
- (MJ) Homeless shelter;
- (NK) Hospital;
- (OL) Hotel;
- ~~(L-1M) Live entertainment, with any use;~~
- (PN) Medical care facility;
- (QQ) Motor vehicle parking or storage for more than 20 vehicles;
- (RP) Newspaper office, including printing and publishing facilities;
- ~~(S) Reserved;~~
- (TQ) Nursing or convalescent home or hospice;
- (T-1R) Outdoor dining on private property, other than pursuant to sections 4-502 and 4-502.1;
- (T-2S) Outdoor market, other than pursuant to section 4-502.1;
- (T-3T) Outdoor garden center, other than pursuant to section 4-502.1;
- ~~(U) Private school, academic, with more than 20 students on the premises at any one time;~~
- ~~(V) Public building;~~
- (WV) Recreation and entertainment use, outdoor;
- (W-1) Retail shopping establishments, larger than 20,000 gross square feet;
- ~~(X) Reserved;~~
- ~~(Y) Reserved;~~
- (ZV) Wholesale business.

4-507 - Use limitations.

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

plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

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

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

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

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

4-602 - Permitted uses.

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

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

(D.2) Fraternal or private club;

(D.3) Funeral home;

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

~~(G) Personal service establishment;~~

(G.1) Place of worship;

~~(H) Private school, commercial academic;~~

(H.1) Private school, commercial;

(I) Public building;

(I.1) Public school;

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

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

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:

~~(B) Reserved~~ Child or elder care home, other than pursuant to section 4-602;

~~(F) Restaurant;~~
~~(G) Valet parking.~~

4-603 - Special uses.

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

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

~~(H) Fraternal or private club; -~~

~~(I) Funeral home;~~

~~(J) Reserved;~~

~~(K) Reserved;~~

~~(L) Homeless shelter;~~

~~(M) Hospital;~~

~~(N) Hotel;~~

(K) Live entertainment, with any use;

(O) Medical care facility;

(O.4M) Motor vehicle parking or storage for more than 20 vehicles;

(PN) Newspaper office, including printing and publishing facilities;

~~(Q) Reserved;~~

(R) Nursing or convalescent home or hospice;

(R.4P) Outdoor dining on private property, other than pursuant to sections 4-602 and 4-602.1;

(R.2Q) Outdoor market, other than pursuant to section 4-602.1;

(R.3) Outdoor garden center, other than pursuant to section 4-602.1;

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

~~(T) Public building;~~

(UR) Recreation and entertainment use, outdoor;

(U.1S) Retail shopping establishments, larger than 20,000 gross square feet;

~~(V) Reserved;~~

~~(W) Reserved;~~

~~(X) Wholesale business.~~

4-607 - Use limitations.

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

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

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

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

4-702 - Permitted uses.

The following uses are permitted in the CR zone:

- (A) ~~Church~~Reserved;
- (A.1) Recreation and entertainment use, indoor and outdoor;
- (A.2) Fraternal or private club;
- (A.3) Funeral home;
- (B) Health and athletic club or fitness studio, indoor;

- (E) ~~Personal service establishment;~~
- (E.1) ~~Outdoor dining located on private property at a commercial complex~~Place of worship;
- (E.2) ~~Private school, commercial~~Outdoor dining located on private property at a commercial complex;
- (E.3) ~~Public school~~Private school, academic;
- (E.4) Private school, commercial;
- (E.5) Public building;
- (E.6) Public school;
- (E.47) Recreation and entertainment use, indoor and outdoor;
- (F) Restaurant, pursuant to section 7-1900;
- (G) ~~Retail shopping establishment;~~

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:

- (F) ~~Reserved;~~
- (G) ~~Valet parking.~~

4-703 - Special uses.

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

- (B) ~~Bus shelter on private property~~Reserved;
- (C) ~~Any use with live entertainment~~Live entertainment, with any use;

4-707 - Use limitations.

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

- (C) ~~A d~~Day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and vehicular traffic. ~~The d~~Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.
- (D) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

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

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

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

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

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

(E.3) Funeral home;

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

(H) ~~Personal service establishment;~~

(H.1) Place of worship;

(H.2) Private school, academic;

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

(I.2) Public school;

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

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

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:

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

(F) ~~Reserved;~~

(G) ~~Valet parking.~~

4-803 - Special uses.

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

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

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

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

(L) ~~Funeral home;~~

(M) ~~Reserved;~~

(N) ~~Reserved;~~

(O) ~~Homeless shelter;~~

(P) ~~Hospital;~~

(Q) ~~Hotel;~~

(R) ~~Interstate bus station;~~

(S) ~~Light automobile repair;~~

(O) Live entertainment, with any use;

(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) ~~S) Outdoor dining on private property, other than pursuant to sections 4-802 and 4-802.1;~~

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

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

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

(Y) ~~Public building;~~

(Z) ~~V) Research and testing laboratory;~~

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

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

(BB) ~~Reserved;~~

(CC) ~~Y) Wholesale business.~~

4-807 - Use limitations.

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

(B) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic~~

~~appliances and like items which do not exceed one horsepower in size.~~
Reserved.

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

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

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

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

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

4-902 - Permitted uses.

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

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

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

(E.3) Funeral home;

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

- ~~(H) Personal service establishment;~~
- (H.1) Place of worship;
- (H.2) Private school, academic;

- ~~(I.1) Public school;~~ Public building;
- (I.2) Public school;

- ~~(K) Retail shopping establishments, up to 20,000 gross square feet;~~
- ~~(K.1) Restaurant located within a commercial complex or hotel,~~ pursuant to section 7-1900;

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:

- ~~(B) Restaurant;~~ Child or elder care home, other than pursuant to section 4-902;

- ~~(F) Reserved;~~ Light assembly, service, and crafts in an industrial or flex space center;

- ~~(G) Valet parking;~~

- ~~(H) Reserved;~~

- ~~(I) Light assembly, service, and crafts in an industrial or flex space center.~~

4-903 - Special uses.

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

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

- ~~(D) Bus shelter on private property;~~ Reserved;

- ~~(H) Reserved;~~

- ~~(H.1) Reserved;~~

- ~~(I) Reserved;~~

- ~~(J) Reserved;~~

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

- ~~(L) Funeral home;~~

- ~~(M) Reserved;~~

- ~~(N) Reserved;~~

- ~~(O) Homeless shelter;~~

- ~~(P) Hospital;~~

- ~~(Q) Hotel;~~

- ~~(R) Interstate bus station;~~

- ~~(R.4) Light assembly, service, and crafts, other than pursuant to section 4-902.1;~~

- ~~(S) Light automobile repair;~~

- (N) Live entertainment, with any use;
- (TO) Medical care facility;
- (UP) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(V) Reserved;~~
- (WQ) Nursing or convalescent home or hospice;
- (W.1R) Outdoor dining on private property, other than pursuant to sections 4-902 and 4-902.1;
- (W.2S) Outdoor garden center, other than pursuant to section 4-902.1;
- (W.3T) Outdoor market, other than pursuant to section 4-902.1;
- ~~(X) Private school, academic, with more than 20 students on the premises at any one time;~~
- ~~(Y) Public building;~~
- (ZU) Recreation and entertainment use, outdoor;
- (AAV) Research and testing laboratory;
- (AA.1W) Retail shopping establishments, larger than 20,000 gross square feet;
- ~~(BB) Reserved;~~
- (GGX) Wholesale business.

4-906 - Use limitations.

- ~~(A) All operations, including storage, shall be conducted~~located within a completely enclosed building, with the exception of outdoor uses pursuant to section 4-900 and City Code section 5-2-29, as applicable.
- ~~(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~
Reserved.

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

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

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

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

4-1002 - Permitted uses.

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

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

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

(E.3) Funeral home;

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

(H) ~~Personal service establishment;~~

(H.1) Place of worship;

(H.2) Private school, academic;

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

(I.2) Public school;

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

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

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

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

4-1003 - Special uses.

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

- (A) ~~Any use with live entertainment~~Reserved;
- ***
- ~~(C.1) Bus shelter on private property;~~
- ***
- ~~(H) Reserved;~~
- ~~(H.1) Day labor agency;~~
- ~~(I) Reserved;~~
- ~~(J) Drive through facility;~~
- ~~(K) Fraternal or private club;~~
- ~~(L) Funeral home;~~
- ~~(M) Reserved;~~
- ~~(N) Continuum of care facility;~~
- ~~(O) Homeless shelter;~~
- ~~(P) Hospital;~~
- ~~(Q) Hotel;~~
- ~~(R) Interstate bus station;~~
- ~~(R.1) Light assembly, service, and crafts, other than pursuant to section 4-1002.1(H.1);~~
- ~~(S) Light automobile repair, other than pursuant to section 4-1002.1;~~
- (Q) Live entertainment, with any use;
- ~~(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 dining on private property, other than pursuant to sections 4-1002 and 4-1002.1;~~
- ~~(W.2) Outdoor market, other than pursuant to section 4-1002.1;~~
- ~~(W.3) Outdoor garden center, other than pursuant to section 4-1002.1;~~
- ~~(X) Private school, academic;~~
- ~~(Y) Public building;~~
- ~~(Z) Research and testing;~~
- ~~(AA) Recreation and entertainment use, outdoor;~~
- ~~(AA.1) Retail shopping establishments, larger than 20,000 gross square feet;~~
- ~~(BB) Reserved;~~
- ~~(BB.1) Single-unit, two-unit, townhouse, and multi-unit dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;~~
- (C) Wholesale business.
- ***

4-1006 - Use limitations.

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

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

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

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

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

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

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

4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

(E) ~~Church~~Reserved;

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

(E.3) Funeral home;

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

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

(J.1) Place of worship;

(J.2) Private school, academic;

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

(K.2) Public school;

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

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

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

(F) ~~Restaurant~~;

~~(G) Valet parking~~;

~~(H) Reserved~~;

~~(I) Reserved~~.

4-1103 - Special uses.

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

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

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

~~(J) Fraternal or private club~~;

~~(K) Funeral home~~;

~~(L) Reserved~~;

~~(M) Reserved~~;

~~(N) Homeless shelter~~;

~~(O) Hotel~~;

- (~~PKL~~) Interstate bus station;
- (~~QM~~) Light automobile repair;
- (~~N~~) Live entertainment, with any use;
- (~~RO~~) Motor vehicle parking or storage for more than 20 vehicles;
- (~~SP~~) Medical care facility;
- (~~TQ~~) Nursing or convalescent home or hospice;
- (~~T-1R~~) Outdoor dining on private property, other than pursuant to sections 4-1102 and 4-1102.1;
- (~~T-2S~~) Outdoor market, other than pursuant to section 4-1102.1;
- (~~T-3T~~) Outdoor garden center, other than pursuant to section 4-1102.1;
- (~~U~~) ~~Private school, academic, with more than 20 students on the premises at one time;~~
- (~~V~~) ~~Public building;~~
- (~~WU~~) Recreation and entertainment use, outdoor;
- (~~X~~) ~~Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;~~
- (~~X-1V~~) ~~Retail shopping establishments, on the same lot as office use, larger than 20,000 gross square feet;~~
- (~~Y~~) ~~Reserved;~~
- (~~Y-1W~~) Single-unit, two-unit, townhouse and multi-unit dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (~~ZX~~) Wholesale business.

4-1106 - Use limitations.

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

- (C) ~~Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.~~
Reserved.
- (D) ~~No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare. All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized~~

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

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

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

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

Sec. 4-1200 - I/Industrial zone.

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

~~(G.1) Church;~~

(I.1) Fraternal or private club;

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

~~(S) Personal service establishment;~~

(S.1) Place of worship;

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

(T.2) Private school, commercial;

(T.3) Public building;

(T.4) Public school;

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

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

(Y) Storage buildings and warehouses;

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

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

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

- ~~(1) Building lobby with 30 feet of frontage or less;-~~
- ~~(2) Health and athletic club or fitness studio;-~~
- ~~(3) Personal service establishment;-~~
- ~~(4) Recreation and entertainment uses, indoor;-~~
- ~~(5) Restaurants pursuant to 4-1202(V.1) or 4-1292.I(A.1);-~~
- ~~(6) Retail shopping establishment;-~~

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

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) Automobiles, recreational vehicles, and trailer rental or sales area;

(A.1) ~~Restaurant;-~~

~~(A.2) Day care center;~~

(B) ~~Reserved;-~~

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

(F) ~~Reserved;-~~

~~(F.1) Private school, academic;-~~

~~(G) Valet parking.~~

4-1203 - Special uses.

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

~~(A.1) Any use with indoor live entertainment;~~

(B) Automobiles, recreational vehicles, and trailer rental or sales area, other than pursuant to section 4-1202.1;

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

(K.1) Live entertainment, with any use;

(Q) ~~Public building~~Reserved;

~~(Q.1) Public school;-~~

(R.2) ~~Retail shopping establishment,~~ larger than 20,000 gross square feet;

(S.1) Storage buildings and warehouses, other than pursuant to section 4-1202;

4-1206 - Use limitations.

- (A) All uses and operations shall be conducted within a completely enclosed building or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director, ~~with the exception of outdoor uses pursuant to this section 4-1200 and City Code section 5-2-29, as applicable.~~
- (B) ~~No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.~~ All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.
- (C) ~~A d~~Day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and vehicular traffic. ~~The d~~Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.
- ***
- (F) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.

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

4-1303 - Special uses.

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

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

4-1306 - Use limitations.

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

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

4-1403 - Permitted uses.

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

- (1) ~~Retail establishment;~~
- (2) ~~Personal service establishment, except, pawnshops, check cashing, payday loan and title loan businesses;~~

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

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

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

(7) Recreation and entertainment use, indoor;

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

(11) Public building.

(B) *Permitted uses above the ground floor:*

- (1) Uses listed under section 4-1403(A);

- ~~(3) Church~~Place of worship;
- ~~(3.1) Day care center;~~
- ~~(3.2) Fraternal or private club;~~
- ~~(3.3) Health and athletic club or fitness studio, indoor;~~

4-1403.1 - Administrative special uses.

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

- ~~(A.2) Live theater~~Reserved;

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

4-1404 - Special uses.

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

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

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

- ~~(D) Fraternal or private club, with a frontage of 30 feet or more along Mount Vernon Avenue;~~
- ~~(E) Health and athletic club or fitness studio, indoor, other than pursuant to section 4-1403(A)(8) with a frontage of 30 feet or more along Mount Vernon Avenue;~~
- ~~(F) Live theater, other than pursuant to section 4-1403. Day care center with a frontage of 30 feet or more along Mount Vernon Avenue;~~

- ~~(H) Live theater, other than pursuant to section 4-1403.1 Live entertainment, with any use;~~

- ~~(K.1) Private school, commercial, with a frontage of more than 30 feet or more along Mount Vernon Avenue;~~

- ~~(L) Public building~~Reserved;

- ~~(O) Reserved;~~
- ~~(P) Reserved;~~
- ~~(Q) Reserved;~~
- ~~(R) Reserved;~~
- ~~(S) Reserved.~~

4-1413 - Use limitations.

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

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

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

5-102 - Permitted uses.

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

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

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

(F) Personal service ~~establishment~~;

(F.1) Place of worship;

(F.2) Private school, academic;

(F.4) Private school, commercial;

(F.4) Public building;

(F.25) Public school;

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

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

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

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

~~(E) Restaurant;~~

~~(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:

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

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

~~(N) Recreation and entertainment use, outdoor;~~

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

5-110 - Use limitations.

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

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

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

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

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

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

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

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

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

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

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

5-202 - Permitted uses.

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

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

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

~~(F) Personal service establishment;~~

~~(F.1) Place of worship;~~

~~(F.2) Private school, academic;~~

~~(F.3) Private school, commercial;~~

~~(F.4) Public building;~~

~~(F.5) Public school;~~

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

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

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

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

~~(E) Restaurant;~~

~~(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:

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

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

~~(N) Recreation and entertainment use, outdoor;~~

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

5-210 - Use limitations.

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

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

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

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

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

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

5-302 - Permitted uses.

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

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

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

- (F) ~~Personal service establishment;~~
- (F.1) Place of worship;
- (F.2) Private school, academic;
- ~~(F.43) Private school, commercial;~~
- (F.4) Public building;
- ~~(F.25) Public school;~~

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

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) Child or elder care home, other than pursuant to section 5-302;
- (A.1) Co-living dwelling, not to exceed two units;

- ~~(E) Restaurant;~~
- ~~(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:

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

- ~~(M) Private school, academic, with more than 20 students on the premises at one time;~~
- ~~(NM) Recreation and entertainment use, outdoor;~~
- ~~(ON) Retail shopping establishments, larger than 20,000 gross square feet.~~

5-310 - Use limitations.

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

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

- (D) ~~All commercial operations, including storage, shall be conducted~~located within a completely enclosed building, ~~with the exception of outdoor uses pursuant to section 5-300 and City Code section 5-2-29, as applicable.~~
- (E) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.
- (F) ~~No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.~~ All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

Sec. 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-unit dwelling;
- ~~(A.1B)~~ Two-unit dwelling;
- ~~(A.2C)~~ Townhouse dwelling;
- ~~(A.4D)~~ Multi-unit dwelling;
- ~~(A.3E)~~ Auxiliary dwelling, not to exceed for units;
- ~~(G)~~ Accessory uses, as permitted by section 7-100;
- ~~(D)~~ Business and professional office, above the ground floor;
- ~~(A.3.1H)~~ ChurchChild or elder care home; as permitted by section 7-500;
- ~~(A.5I)~~ Day care center;
- (J) Fraternal or private club;
- ~~(FK)~~ Health and athletic club or fitness studio, indoor;
- ~~(EL)~~ Health profession office, above the ground floor;
- ~~(A.4M)~~ Motor vehicle parking or storage for 20 vehicles or fewer;
- ~~(HN)~~ Outdoor dining located on private property within a commercial complex.
- ~~(A.6O)~~ Personal service establishment;

- (P) Place of worship;
- (Q) Private school, academic;
- (A.7R) Private school, commercial;
- (S) Public building;
- (A.8T) Public school;
- (A.9U) Recreation and entertainment use, indoor;
- (A.9.1V) Restaurant within a commercial complex or hotel, pursuant to section 7-1900;
- (A.10W) Retail shopping establishment, up to 20,000 gross square feet;
- (GX) Social service use;
- (BY) Utilities, subject to section 7-1200;

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) Child or elder care home, other than pursuant to section 5-402;
- (A.1) Co-living dwelling, not to exceed two units;

- ~~(E) Restaurant;~~
- ~~(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:

- ~~(E) Bus shelter on private property;~~
- ~~(E.1) Co-living dwelling, other than pursuant to section 5-402.1;~~

- ~~(I) Fraternal or private club;~~
- ~~(J) Reserved;~~
- ~~(K) Health profession office, on the ground floor of buildings facing the sidewalk;~~
- ~~(LJ) Hotel;~~
- ~~(MK) Medical care facility;~~
- ~~(NL) Medical laboratory;~~
- ~~(O) Reserved;~~
- ~~(O.1M) Motor vehicle parking or storage for more than 20 vehicles;~~
- ~~(PN) Nursing or convalescent home or hospice;~~
- ~~(P.1O) Outdoor dining on private property, other than pursuant to sections 5-402 and 5-402.1;~~
- ~~(P.2) Outdoor market, other than pursuant to section 5-402.1;~~
- ~~(P.3Q) Outdoor garden center, other than pursuant to section 5-402.1;~~
- ~~(Q) Reserved;~~
- ~~(R) Reserved;~~

- ~~(S) Private school, academic, with more than 20 students on the premises at one time;~~
- ~~(T) Public building;~~
- ~~(UR) Radio or television broadcasting office and studio;~~
- ~~(VS) Recreation and entertainment use, outdoor;~~
- ~~(WT) Retail shopping establishment, larger than 20,000 gross square feet.~~

5-410 - Use limitations.

- (B) ~~A d~~Day care centers and private academic schools shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of ~~children~~ students and creates minimal impact on pedestrian and vehicular traffic. ~~The d~~Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.
- (C) ~~All operations, including storage, shall be conducted~~located within a completely enclosed building, ~~with the exception of outdoor uses pursuant to section 5-100 and City Code section 5-2-29, as applicable.~~
- (D) ~~Retail shopping establishments~~ with a principal use selling tobacco products, nicotine vapor products, alternative nicotine products, or hemp products intended for smoking are prohibited on property within 1,000 linear feet of a child day care center, or a public or private academic early childhood, elementary, middle, or high school. Any such use in operation prior to July 1, 2024, may continue to operate at its existing location, but Article XII does not apply.
- (E) All uses shall manage onsite vibration, dust, odor, smoke, gas, and fumes so they do not create a nuisance by creating a substantial and unreasonable interference with the health, safety, peace, or comfort of persons beyond the property line. When either two or more complaints from the same complainant concerning the same condition or one or more complaints from two or more distinct complainants concerning the same condition are received and verified, the director will send written notice to the person responsible. Within 30 days, the person responsible shall submit a written control plan to the director. The control plan must specify corrective measures and a timeline for implementation, drawing on best available control technologies and recognized industry best practices. The director may require modifications to the control plan, impose reasonable deadlines, and require monitoring or inspections to verify compliance.

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

5-502 - Permitted uses.

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

- (C.1) Church Place of worship;

- *** (F.1) ~~Retail shopping establishment~~, 10,000 square feet or less in size;
- (J) Health and athletic club or fitness studio, indoor, pursuant to section 5-509;
- (K) Restaurant, pursuant to section 7-1900.

5-502.1 - Administrative special uses.

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

- (D) Restaurant;
- ~~(E) Valet parking.~~

5-503 - Special uses.

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

- *** (A) ~~Any use with live entertainment~~Reserved;
- *** (E) ~~Reserved~~ Live entertainment, with any use;-
- (F) Outdoor dining on private property, other than pursuant to sections ~~5-502 and 5-502.1~~;
- *** (H) ~~Reserved~~;
- (H) Privately owned public use building such as civic auditorium or performing arts center;
- ~~(J) Reserved~~;
- (K) ~~Retail shopping establishment~~, other than pursuant to section 5-502(~~F.1~~);-
- ~~(L) Reserved~~;
- ~~(M) Reserved~~;
- (NJ) Utilities, as permitted by section 7-1200;
- ~~(O) Reserved~~;
- (PK) 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.

5-511 - Use limitations.

- (B) A dDay care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and vehicular traffic. ~~After review, the director may approve, approve with conditions, or deny the plan.~~ Day care centers and private academic schools must obtain approval of the plan prior to opening its place of business.
- (C) All ~~operations, including storage,~~ shall be ~~conducted~~located within a completely enclosed building, ~~with the exception of outdoor uses pursuant to section 5-500 and City Code section 5-2-29, as applicable.~~

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

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

Sec. 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		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
2	Eisenhower Avenue Metro				*** church place of worship; *** retail shopping establishment; theater, live; ***

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

7	Route 1 Properties				
		*** automobile, recreational vehicles, and trailer rental or sales ***			
		*** automobile, recreational vehicles, and trailer rental or sales ***			

10	Potomac Yards/Greens				*** personal service, ***

19	North Potomac Yard				*** amusement enterprises recreation and entertainment; *** retail shopping establishment; ***

23	Fillmore/Beauregard				***churches <u>places of worship.</u>
24	Oakville Triangle and Route 1 Corridor				***amusement enterprises <u>recreation and entertainment;</u> *** Retail shopping- <u>establishment</u> ***
25	ABC-Giant/Old Town North				***personal service establishment; *** academic or commercial, with more than 20 students on the premises at any one time; *** retail shopping- <u>establishments;</u> ***
26	Public Storage/ Boat US				*** private school, academic or commercial, with more than 20 students on the premises at any one time; *** retail- shopping- <u>establishment;</u> ***
27	Greenhill/West Alexandria Properties				***automobile, <u>recreational vehicle,</u> and trailer rental or sales area; *** personal service establishment; private school, academic or commercial, with more

					than 20 students on the premises at any one time; *** retail-shopping establishment; ***
28	Greenhill South				*** amusement enterprise recreation and entertainment; *** convenience store; *** personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; *** retail-shopping establishment; ***
29	Landmark Neighborhood				*** church place of worship; *** personal service establishment; *** retail-shopping establishment; ***
30	Potomac River Generating Station				*** church place of worship; *** personal service establishment; *** retail-shopping establishment; ***
31	Eisenhower Conversion				*** church place of worship; *** retail-shopping establishment, over 20,000 sq. ft.; ***

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

~~(1.1) Church;~~

~~(6) Personal service establishment;~~

(6.1) Place of worship;

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

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

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

~~(3) Retail shopping establishment,~~ larger than 20,000 gross square feet;

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

Sec. 6-200 - WPR/Waterfront park and recreation zone.

6-202 - Permitted uses.

The following uses are permitted in the WPR zone:

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

6-202.1 - Administrative special uses.

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

~~(A) Restaurant~~Reserved;

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

6-503 - Retail focus areas.

(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);~~

Sec. 6-600 - Mount Vernon Avenue urban overlay zone.

6-603 - Uses.

(C) *Retail and neighborhood 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.~~

(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.~~

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

(1) ~~Restaurants;~~

~~(2) Outdoor dining on private property;~~

~~(3) Live theater;~~

~~(4) Outdoor markets;~~

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

~~(6) Reserved;~~

~~(7) Reserved;~~

~~(8) Valet parking.~~

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

6-702 - Uses.

(A) *Ground floor uses.*

(1) *Permitted uses:*

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

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

(d.1) Public building;

~~(d.42)~~ Recreation and entertainment use, indoor, with frontage of less than 30 feet along King Street;

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

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

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

(2) *Special uses:*

~~(a) Any use with live entertainment~~Reserved;

~~(b) Church~~Place of worship;

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

~~(e) Day care center, extending for more than 30 feet or more~~along King Street;

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

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

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

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

~~(j) Public building~~Reserved;

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

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

(B) *Upper floor uses.*

(1) *Permitted uses:*

(c.2) Fraternal or private club;

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

~~(f) Personal service establishment;~~

(f.1) Private school, academic;

~~(f.42)~~ Private school, commercial;

(f.43) Recreation and entertainment use, indoor;

(2) *Special uses:*

~~(g) Fraternal or private club~~Reserved;

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

(l) ~~Reserved~~;

(m) ~~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 section 11-513 of this ordinance:

(3) ~~Restaurant~~;

(4) ~~Valet parking.~~

6-707 - Use limitations.

(A) ~~All operations, including storage, shall be conducted~~located within a completely enclosed building, ~~with the exception of outdoor uses pursuant to section 6-700 and City Code section 5-2-29, as applicable.~~

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

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

(D) ~~The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director. Reserved.~~

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

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

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

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

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

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

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

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

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

- (A) One trailer may be parked or stored in a lawful, enclosed garage, provided that no living quarters or business premises shall be maintained in such trailer.
- (B) Trailers used as contractors' offices or equipment sheds may be parked on the site of an active construction project for the duration of construction authorized by an approved building permit.
- (C) Trailers used for temporary nonresidential purposes ~~such as classrooms, banks, offices, or similar activities~~ may be parked on a lot provided approval of an administrative special use permit has first been obtained, ~~except that a special use permit for trailers used for school related activities in any zone where public schools are a permitted use and in conjunction with an ACPS school may be approved administratively~~ subject to section 11-513 of this ordinance.
- (D) Trailers are permitted on city-owned or Alexandria City Public School property. Alexandria City Public School trailers shall be used for school related activities where public schools are allowed in a zone.

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

- (A) The restaurant operator shall conduct employee training sessions on an ongoing basis to advise employees of these use limitations.
- (B) No food, beverages, or other materials shall be stored outside, with the exception of materials otherwise specified in this section 7-1900.
- (C) Delivery vehicles operated and managed by the restaurant operator are permitted. Delivery vehicles must park off-street when not delivering.
- (D) Indoor limited live entertainment and live entertainment, pursuant to the use limitations of the zone, are allowed.
- (E) Chemicals, detergents, and cleaners stored outside the building shall be kept in an enclosure with a roof.

- (F) If used cooking oil is stored outside, the drum shall be kept securely closed with a bung (a secure stopper that seals the drum). When the drum is not receiving used oil, it shall be placed on secondary containment, and it shall be kept under cover to prevent rainwater from falling on it.
- (G) Trash and garbage shall be stored in sealed containers that do not allow odors to escape, invasion by animals, or leaking. No trash or debris shall be allowed to accumulate outside of those containers. Outdoor containers shall be maintained to the satisfaction of the director and the director of transportation and environmental services, including replacing damaged lids and repairing or replacing damaged dumpsters.
- (H) Kitchen equipment, including floor mats, shall not be cleaned outside, nor shall any cooking residue or wash water be washed into the public right-of-way or storm sewers.
- (I) All waste products including but not limited to organic compounds (solvents and cleaners) shall be disposed of in accordance with all local, state, and federal laws or regulations.
- (J) Supply deliveries and loading and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m.

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

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

- (A)(1) *General requirement.* No land shall be used or changed in use, no structure or building shall be constructed, and no existing structure or building shall be changed in use, or significantly enlarged or significantly altered as those terms are defined in section 8-200(F)(4), unless the off-street parking required by this Article VIII is provided for the entire land, structure or building.

Sec. 8-200 - General parking regulations.

- (A) *Schedule of requirements.* The following number of parking spaces shall be provided for each use listed. In the case of any use not listed in 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.

- (10) ~~Churches~~ Places of worship: one space for each five seats in the principal auditorium assembly area or one space for each ten classroom seats, whichever is greater.

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

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

- (16) *Specific commercial uses:*

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

vi. ~~Personal service establishment.~~

ix. ~~Retail shopping establishment.~~

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

(a) Within the enhanced transit area:

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

(b) Outside the enhanced transit area:

- i. Minimum requirement—1.0 spaces per 1,000 square feet of floor area.
- ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.

(18) *Miscellaneous commercial uses, including, but not limited to, equipment and repair businesses, ~~health and athletic club or fitness studios~~, garden centers, outdoor markets, and funeral homes and all other commercial uses not otherwise defined: one space for each 400 square feet of floor area.*

(C) *Location of parking facilities.*

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

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

(F) *Prior existing buildings and structures.*

(1) Notwithstanding the provisions of section 8-100 and except as provided in section 8-200(F)(3) below, no off-street parking need be provided for land actually in use on June 25, 1963, for structures or buildings partially or fully constructed as of that

date, or for structures or buildings for which a final site plan had been approved or a building permit had been applied for on that date, except as follows:

- (a) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, or significantly enlarged ~~or significantly altered~~ between June 23, 1963, and January 27, 1987, the parking requirements of this Article VIII shall apply only to such change in use, or enlargement ~~or alteration~~; and
 - (b) If any such land has been changed in use or any such structure or building has been changed in use, enlarged, or significantly enlarged ~~or significantly altered~~ after January 27, 1987, the parking requirements of this Article VIII shall apply to all the land and to the entire structure or building upon completion of the change in use, or significant enlargement ~~or significant alteration~~, and such requirements shall apply only to the enlargement of the structure or building upon its completion, unless, as of January 27, 1987, a construction ~~or alteration~~ permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued, or unless a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, or significant enlargement ~~or significant alteration~~ with the provision of less off-street parking than is required.
- (2) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3) below, any change in use in land which had been placed in use between June 23, 1963, and January 27, 1987, and any change in use, enlargement, or significant enlargement ~~or significant alteration~~ of a structure or building which had been constructed between those dates shall be governed by the provisions of sections 8-200(F)(1)(a) and (b).
- (3) The provisions of this section 8-200(F) shall not apply to:-
- ~~(a) The enlargement, or significant enlargement, or significant alteration of single-unit, two-unit, or townhouse dwellings;~~
 - ~~(b) The significant alteration of a church; and~~
 - ~~(c) The significant alteration of any dwelling unit or units that serve households at or below 60 percent Area Median Income (AMI) for 30 years or more.~~
- (4) For purposes of this section 8-200(F), the following definitions shall apply:
- ~~(a) "Significantly altered" and "significant alteration" shall mean the reconstruction, remodeling or rehabilitation of, or other physical changes to, a structure or building, or a portion thereof, over any two-year period, whether or not involving any supporting members of the structure or building and whether altering interior or exterior components of the structure or building, which involves expenditures amounting to one-third or more of the market value of the structure or building, or portion thereof, at the time of the application for an alteration permit.~~
 - (ba) "Enlarged" and "enlargement" shall mean an addition to a structure or building which increases its floor area by less than 20 percent. In the case of uses whose parking requirements are determined by a factor other than floor area (e.g., dwelling units, seats, patient beds), these terms shall mean any action which increases this factor by less than 20 percent, whether or not accompanied by an increase in floor area.
 - (cb) "Significantly enlarged" and "significant enlargement" shall mean an addition, or additions over any two-year period, to a structure or building which

increases its floor area by 20 percent or more. In the case of uses whose parking requirements are determined by a factor other than floor area, these terms shall mean any action, or actions over the two-year period, which increases this factor by 20 percent or more, whether or not accompanied by an increase in floor area.

- (6) Notwithstanding the provisions of section 8-100 above and except as provided in section 8-200(F)(3), if any land has been changed in use to a multi-unit residential use or any structure or building has been changed in use to a multi-unit residential use, or a multi-unit dwelling has been enlarged, or significantly enlarged ~~or significantly altered~~ after May 16, 2015, the parking requirements of this Article VIII shall apply to all the land and to the entire structure or building upon completion of the change in use; ~~or significant enlargement or significant alteration~~, however, any existing parking above the requirement may remain. This section shall not apply if a construction ~~or alteration~~ permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of May 16, 2015, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement, or significant enlargement ~~or significant alteration~~ with the provision of less off-street parking than is required.
- (7) Notwithstanding the provisions of section 8-100 above, if any land, structure, or building has been changed in use to a hotel, office, restaurant, or specific commercial use, or any hotel, office, restaurant, or specific commercial use has been enlarged; or significantly enlarged ~~or significantly altered~~ after February 24, 2018, the parking requirements of this Article VIII shall apply to all the land and to the entire structure or building upon completion of the change in use; or significant enlargement ~~or significant alteration~~; however, any existing parking above the requirement may remain. This section shall not apply if a construction ~~or alteration~~ permit has been applied for and reasonably soon thereafter construction activity has commenced and continues to be diligently pursued as of February 24, 2018, or if a special use permit is obtained under section 7-700 or section 11-500 which authorizes the change in use, enlargement; ~~or significant enlargement or significant alteration~~ with the provision of less off-street parking than is required.

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

Sec. 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:

(C) Procedures.

(1) Change in ownership

- (a) The director shall send email notice to the proximate civic and business associations and prominently post a list of pending administrative applications on the department web page for review by the public.
- (b) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.
- (c) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.
- (d) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal within 30 days of the director's decision. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The planning commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

(2) Minor amendment

- (1a) The director shall placard the property, cause email notice to the affected civic and business associations, send eNews or equivalent electronic notice, and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.
- (2b) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.
- (3c) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.
- (4d) The director's decision may be appealed to the planning commission by a person affected by the decision by filing a notice of appeal ~~with the department of planning and zoning within 30 days from the date of the decision appealed~~ director's decision. The notice shall be a written statement specifying the grounds on which the appellant is affected and the basis of the appeal. The planning commission shall hold a public hearing on the appeal, with notice pursuant to section 11-300 provided, and may affirm, reverse or modify the director's decision, or vacate the decision and remand the matter to the director for further consideration.

11-513 - Administrative special use permit.

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

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

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

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

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

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

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

(I) *Specific standards for catering operation.*

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

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

(J) *Specific standards for light automobile repair.*

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(10) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials~~

~~Storage Space Guidelines", or to the satisfaction of the director of transportation and 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.~~

~~(11) Live entertainment is not permitted, as defined in section 2-164.1.~~

~~(12) 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.~~

~~(13) 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.~~

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

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

(a) Business and professional offices;

(c) Church Place of worship;

(k) Personal service ~~establishments~~;

(m) Retail ~~shopping establishment~~.

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

~~(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 child safety and pedestrian and vehicular traffic; and~~

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

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

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

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

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

(1) The administrative special use permit approval shall expire ~~five~~three years from the date of approval. An option to approve for an additional two years is possible for all uses other than storage through a minor amendment to the administrative special use permit.

(2) ~~All classroom trailers shall be located so as to reduce visibility from public rights-of-way and from nearby residentially zoned properties, and the design for trailers shall be compatible with applicable historic district and/or Master Plan design guidelines to the satisfaction of the director of planning and zoning.~~The number of trailers is limited to one per lot.

(3) ~~Loudspeakers shall be prohibited from~~on the exterior of the building, ~~and no amplified sounds shall be audible at the property line;~~

(5) ~~Impacts to parking that meets recreational needs during non-school hours should be minimized; and Trailers not in use for 90 days or more shall be removed.~~

(6) ~~Trailers shall not be used for storage purposes.~~

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

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

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

12-302 - Noncomplying uses.

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

(I) ~~Any fraternal or private club existing on August 5, 1940, at the time of the adoption of the Alexandria City Code of 1940, that has existed continuously since that date, and that has been categorized immediately prior to January 24, 1998, as a nonconforming use, shall not be deemed nonconforming. From and after January 24, 1998, such use shall be categorized as a noncomplying use, and may continue indefinitely subject to the requirements of this section 12-300; provided, that only those specific fraternal or private clubs in existence on January 24, 1998, shall be deemed noncomplying, and that any change in use, management, ownership or operation of such use shall require approval by special use permit.~~Reserved.

Section 10. That the director of planning and zoning be, and hereby is, directed to

record the foregoing text amendment.

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

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

8. City Council closed the public hearing and adopted the ordinance as it relates to Rezoning No. 2025-00004 associated with 598 South Alfred Street/Old Towne West - Block 3 approved by City Council on December 13, 2025.

The ordinance reads as follows:

ORDINANCE NO. 5615

AN ORDINANCE to amend and reordain Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 (OFFICIAL ZONING MAP AND DISTRICT BOUNDARIES), of the City of Alexandria Zoning Ordinance, by rezoning the property at 598 South Alfred Street from RB/Townhouse zone to RMF/Residential multi-unit zone in accordance with the said zoning map amendment heretofore approved by city council as Rezoning No. 2025-00004.

WHEREAS, the City Council finds and determines that:

1. In Rezoning No. 2025-00004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on December 2, 2025 of a rezoning of the property at 598 South Alfred Street from, RB/Townhouse zone to RMF/Residential multi-unit zone, which recommendation was approved by the City Council at public hearing on December 13, 2025;

2. The said rezoning is in conformity with the 1992 Master Plan of the City of Alexandria, Virginia, as amended;

3. All requirements of law precedent to the adoption of this ordinance have been complied with; now, therefore,

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," adopted by Section 1-300 of the City of Alexandria Zoning Ordinance, be, and the same hereby is, amended by changing, in the manner set forth below, the zoning classification of the property hereinafter described:

LAND DESCRIPTION: 598 South Alfred Street, Alexandria, Virginia
22314 address, 074.03-05-07

From: RB/Townhouse zone
To: RMF/Residential multi-unit zone

Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing amendment on the said map.

Section 3. That Sheet No. 074.03 of the "Official Zoning Map, Alexandria, Virginia," as so amended, be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage.

The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

5. Master Plan Amendment #2025-00005
Rezoning #2025-00006
Special Use Permit #2025-00066
Encroachment #2025-00009
732 North Washington Street & 710 Madison Street
Public Hearing and consideration of a request for (A) an amendment to the Old Town North Small Area Plan Chapter of the Master Plan to change the Recommended Height District Limits Map to allow for 55 feet in building height; (B) a Rezoning from CD-X/Commercial Downtown zone (Old Town North) to CRMU-X/Commercial Residential Mixed use (Old Town North) zone; (C) Special Use Permits for a multi-unit residential use and a parking reduction; and (D) an Encroachment into the public right-of-way for upper floor balconies to facilitate the conversion of an existing office building to a multi-unit residential building; zoned CD-X/ Commercial Downtown.
Applicant: 732-806 Development LLC represented by Kenneth Wire, Wire Gill LLP, Attorney
Planning Commission Action: MPA2025-00005 - Adopt Resolution 7-0; REZ2025-00006 - Recommend Approval 7-0; SUP2025-00066 - Recommend Approval 7-0; ENC2025-00009 - Recommend Approval 7-0.

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 5; 01/24/26, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. Phoebe Coy, Alexandria, spoke in support of the proposed project.

WHEREUPON, upon motion by Councilman McPike, seconded by Vice Mayor Bagley and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Vice Mayor Bagley, and carried unanimously by roll-call vote, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, and Councilman McPike; Opposed, none.

6. Public Hearing, Second Reading, and Final Passage of an Ordinance to lease and manage the Torpedo Factory Art Center (TFAC) to Initiate And Establish The Process To Grant An Agreement For The Lease, Management, And Operation Of The Torpedo Factory Arts Center ("TFAC"), Owned By The City Of Alexandria And Located At 105 Union Street.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 6; 01/24/26, and is incorporated as part of this record by reference.)

The following person participated in the public hearing for this item:

1. Ivy Whitlatch, Alexandria, representing the Alexandria Archaeological Commission, requested that Council modify the RFP proposed for the TFAC operator.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilman McPike and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilman Chapman and carried unanimously, City Council denied the approval of the RFP process and requested that staff return with amendments, followed by readvertisement for subsequent approval. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

IV. Individual Public Hearing Items (Roll-Call Vote)

9. Public Hearing and Consideration of a Five-Year License Agreement between the City of Alexandria and the Tall Ship Providence Foundation for the Docking of the Tall Ship Providence at Waterfront Park.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 9; 01/24/26, and is incorporated as part of this record by reference.)

Mayor Gaskins read the following statement of recusal for this item and did not participate in the vote for this item:

To avoid an appearance of impropriety and due to my employment with Monday's Child located at 127 South Fairfax Street, Alexandria, Virginia, which is a business owned and operated by Mara and Patrick Brushette, who have an interest in the Tall Ship Providence, I have a potential personal interest in this transaction. I will be recusing myself from voting or participating on this transaction.

WHEREUPON, upon motion by Councilman Chapman, seconded by Councilwoman Greene and carried 6-0 by roll-call vote, City Council closed the public hearing and approved the five-year license agreement between the City of Alexandria and the Tall Ship Providence Foundation for the docking of the Tall Ship Providence at Waterfront Park. The vote was as follows: In favor, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Recusal, Mayor Gaskins.

10. Public Hearing, Second Reading and Final Passage of an Ordinance to Amend the Franchise Agreement awarded to the Tall Ship Providence Foundation to Dock a Replica Historic Tall Ship at the Waterfront Park bulkhead.

(A copy of the City Manager's memorandum is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 01/24/26, and is incorporated as part of this record by reference.)

A copy of the informal memorandum explaining the ordinance is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 01/24/26, and is incorporated as part of this record by reference.

A copy of the ordinance referred to in the above item, of which each member of Council received a copy not less than 24 hours before said introduction, is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 10; 01/24/26, and is incorporated as part of this record by reference.)

Mayor Gaskins read a statement of recusal for this item and did not participate in the vote on this item.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Greene and carried 6-0 by roll-call vote, City Council closed the public hearing and adopted an ordinance to amend the franchise agreement awarded to the Tall Ship Providence Foundation to dock a replica historic Tall Ship at the Waterfront Park bulkhead. The vote was as follows: In

favor, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Recusal, Mayor Gaskins.

The ordinance reads as follows:

ORDINANCE NO. 5616

AN ORDINANCE to amend the Franchise Agreement entered into pursuant to Ordinance No. 5466, granting the Tall Ship Providence Foundation, its successors and assigns, a franchise under certain conditions, permitting the franchisee to use the public rights-of-way and on other public property to poor a historic or a replica historic tall ship for the operation of tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront for the benefit of the public.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Ordinance No. 5466 granted a franchise to the Tall Ship Providence Foundation, hereinafter referred to as “Grantee”, its successors and assigns, to permit the Grantee to moor a historic or a replica historic tall ship and to design, construct and upgrade City infrastructure for the mooring of a historic or a replica historic tall ship in the City Marina (the City Marina is that area defined by Sec. 6-3-2 of the Code of the City of Alexandria, 1950, as amended) consistent with the Waterfront Small Area Plan and to conduct tours, private charters, sightseeing cruises, private events and educational programming at the City waterfront, including but not limited to the City Marina and the right to use public rights-of-ways and other public property for the benefit of the public.

Section 2. That the Franchise Agreement entered into by the City with the Tall Ship Providence Foundation pursuant Ordinance No. 5466 be amended to i) terminate the Franchise Agreement on January 31, 2026 and ii) delete the section allowing for renewals as shown in Exhibit 1, Proposed Amended Franchise Agreement.

Section 3. That the City Manager be and hereby is authorized to execute such documents as may be required to effectuate this Franchise Agreement amendment.

Section 4. That the City Clerk be and hereby is authorized to attest the execution of said documents and affix thereon the official seal of the City of Alexandria, Virginia.

Section 5. That this ordinance shall become effective upon its final passage.

11. BAR#2025-00465 - OHAD
910 King Street
Public Hearing and consideration of an Appeal of the Board of Architectural Review’s (BAR) December 3, 2025 decision to approve a Certificate of Appropriateness for alterations at 910 King Street.
Applicant and Appellant: 910 King St LLC represented by Romona Sanchez

(A copy of the Planning and Zoning staff report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 11; 01/24/26, and is incorporated as part of this record by reference.)

Mr. Conkey, BAR staff, gave a presentation to Council the proposed changes to building and staff recommendations. Mr. Conkey responded to questions from Council. Mr. Scott, Chair, representing the Board of Architectural Review, explained the decision of the BAR and responded to questions from Council.

The following persons participated in the public hearing for this item:

1. Romona Sanchez, Alexandria, representing the applicant and appellant, explained the changes requested and responded to questions.
2. Kahan Dhillon, applicant, explained the changes to the building and responded to questions.
3. Susan Horne, Alexandria, representing Historic Restoration and Preservation Commission, spoke against the changes to the building.

WHEREUPON, upon motion by Councilman McPike, seconded by Councilman Elnoubi and carried unanimously, City Council closed the public hearing. The vote was follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Greene, and carried unanimously by roll-call vote, City Council approved the Certificate of Appropriateness with the following conditions:

1. Staining on north elevation only as required - Reverse
2. Staining on stones at entry - Affirm
3. Simplify the metalwork at the entry door and transom - modify "simplify" to "match Victorian style"
4. Simplify the design of the railings - modify "simplify" to "match Victorian style"
5. Revise the design for the rooftop embellishment to be similar in size and complexity as the one at 913 King Street - modify to say continue to work with staff on the design
6. The proposed rooftop signage and lights be denied - Affirm
7. Flood lights will be a single color in the warm color range - Affirm
8. Revise the selection for the carriage lights - Affirm
9. Deny painting east, south and west elevations – Reverse

The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

12. Development Special Use Permit #2025-10030
220 & 224 South Peyton Street
Public Hearing and consideration of a request for a Development Special Use Permit and Site Plan with modifications to construct a multi-unit residential building with ground floor commercial use, and Special Use Permit requests to increase the nonresidential floor area above 1.5 and for a parking reduction; zoned

CD/Commercial Downtown.

Applicant: Windmill Hill LLC. represented by Lauren Riley, Attorney

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Council, marked Item No. 12; 01/24/26, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Lauren Riley, attorney for the applicant, spoke in support of the application.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilwoman Green and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Greene and carried unanimously by roll-call vote, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

13. Zoning Text Amendment #2025-00009
Commercial to Residential Conversions
(A) Initiation of a Zoning Text Amendment and (B) Public Hearing and consideration of a Text Amendment to Article XII - Noncompliance and

Nonconformity of the City's Zoning Ordinance to establish provisions for office to residential conversions and to clarify the regulations related to the use of noncomplying structures generally.

Staff: City of Alexandria, Planning and Zoning

Planning Commission Action: Recommend Approval 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Council, marked Item No. 13; 01/24/26, and is incorporated as part of this record by reference.)

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman Chapman and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilman McPike and carried unanimously by roll-call vote, City Council approved the Planning Commission recommendation. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

City Council took a recess for lunch at 12:23 p.m. and the reconvened the meeting at 1:04 p.m.

14. Master Plan Amendment #2025-00004
Green Building Plan
(A)Initiation of a Master Plan Amendment; (B) Public Hearing and consideration of a Master Plan Amendment to adopt the Green Building Plan as a new chapter of the City's Master Plan.
Staff: City of Alexandria, Office of Climate Action
Planning Commission Action: Adopt Resolution 7-0

(A copy of the Planning Commission report is on file in the Office of the City Clerk and Clerk of Council, marked Item No. 14; 01/24/26, and is incorporated as part of this record by reference.)

The following persons participated in the public hearing for this item:

1. Melissa McMahon, Alexandria, spoke support of the Planning Commission recommendation.
2. Phoebe Coy, Alexandria, spoke in support.
3. Savannah Sierco, Alexandria, spoke in support of the plan
4. Seth Heald, Alexandria, spoke in support of the plan.,
5. Bill Pugh, Alexandria, spoke support of the proposed plan.
6. Kathie Hoekstra, Alexandria, spoke in support the proposed Planning Commission recommendation.
7. Stephen Walz, Alexandria, spoke in support the proposed Planning Commission recommendation.
8. Deborah Buelow, Accokeek, Maryland, spoke in support of adopting a 30 EUI for all new sustainable building.
9. David Peabody, Alexandria, spoke in support the proposed plan.
10. Scott Barstow, Alexandria, spoke in support of the proposed Planning Commission recommendation.
11. Stephanie Logan, Alexandria, spoke in support of the proposed Planning Commission recommendation.
12. Megha Munipalla, Alexandria, spoke in support of the proposed plan.
15. Emma Bidwell, Alexandria, spoke in support of the proposed plan.

16. Donna Gold, Alexandria, representing the Faith Alliance for Climate Solution, spoke in support the proposed plan.

17. Kim Pexton, Fairfax, Virginia, representing JBG Smith, spoke in support of the plan with amendments to the EUI targets.

18. Samantha Martino, Bethesda, Maryland, representing JBG Smith, spoke in support of the plan with amendments to the EUI targets.

19. Eli Goldman, Alexandria, representing LandDesign, requested that adoption of the plan while amendments are made.

20. Moira MacDougal, Alexandria, spoke in support of the Planning Commission recommendations to the plan.

21. Lauren Riley, attorney, Arlington, spoke in support with amendments to the plan.

22. Ken Wire, attorney, Alexandria, representing NAIOP, spoke in support with amendments to the plan

23. Cathy Puskar, attorney, Arlington, spoke in support with amendments to the plan

24. Mary Catherine Gibbs, attorney, Alexandria, spoke in support with amendments to the plan.

25. David Cerniglia, Sterling, Virginia, spoke in support with amendments to the plan.

26. Jimmy Dodson, Chevy Chase, Maryland, spoke in support with amendments to the plan.

27. Amy Friedlander, Alexandria, spoke in support with amendments to the plan.

28. Martha Marks, Alexandria spoke in support with amendments to the plan.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilwoman Greene and carried unanimously, City Council closed the public hearing. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilman McPike and carried unanimously by roll-call vote, City Council approved the Planning Commission recommendation with the following modifications:

- accept the Planning Commission recommendation regarding small projects
- accept the Planning Commission recommendation regarding development review with Planning and Zoning taking the lead
- incorporate the future updates portion into the Planning recommendation
- Add onsite combustion is prohibited unless included in the Permitted Combustion Uses

regarding electrification

-OCA should consider the emergency management implications of EV charging infrastructure, including types of chargers, spacing, locations, emergency egress, and fire access.

-Multi-unit residential EUI will be no tier 38

-staff recommendation of 3% on-site or Clean Energy Fund

-staff recommendation of produce enough energy on-site or on other City-owned property to cover site energy use.

-Add the following condition that will strike language about air quality flushing and keep the language regarding materials without adverse health impacts will be used.

The vote was as follow: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, and Councilwoman Greene; Opposed, none.

Please Note: The following items are for information only and do not require Council action.

15. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2025-00009

106 East Braddock Road

Public Hearing and consideration of a request for a Subdivision to re-subdivide one existing lot and two part lots into two lots; zoned R-2-5/Residential.

Applicant: Classic Cottages, LLC, represented by Chad Riedy, Agent

Planning Commission Action: Approved 7-0

(A copy of the Planning Commission report is on file in the City Clerk and Clerk of Council's Office, marked Item No. 15; 01/24/26, and is incorporated as part of this record by reference.)

16. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2025-00010

412 East Nelson Avenue

Public Hearing and consideration of a request for a Subdivision to re-subdivide an existing lot into two lots; zoned R-2-5/Residential.

Applicant: OCH at 412 E Nelson, LLC represented by Duncan Blair, Attorney

Planning Commission Action: Approved 7-0

(A copy of the Planning Commission report is on file in the City Clerk and Clerk of Council's Office, marked Item No. 16; 01/24/26, and is incorporated as part of this record by reference.)

17. Zoning Ordinance Subdivision cases are heard by the Planning Commission, placed on the City Council docket for information, and heard by City Council only upon appeal.

Subdivision #2025-00011

413 East Nelson Avenue

Public Hearing and consideration of a request for a Subdivision to re-subdivide an existing lot into two lots; zoned RB/Townhouse.

Applicant: OCH at 413 E Nelson, LLC represented by Duncan Blair, Attorney

Planning Commission Action: Approved 7-0

(A copy of the Planning Commission report is on file in the City Clerk and Clerk of Council's Office, marked Item No. 17; 01/24/26, and is incorporated as part of this record by reference.)

City Council received the above items for information only.

18. Public Discussion Period (Remaining Speakers, if any).

19. Closed Session

Executive Session --2.2-3711(A)(7) - Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. [ROLL-CALL]

WHEREUPON, upon motion by Councilman Aguirre, seconded by Councilwoman Greene and carried unanimously, City Council convened in closed executive session at 4:33 p.m., pursuant to Virginia Code section 2.2-3711(A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Aguirre, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilwoman Greene and carried 6-0, City Council reconvened in open session at 5:24 p.m. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Aguirre.

WHEREUPON, upon motion by Vice Mayor Bagley, seconded by Councilman Chapman and carried 6-0 by roll-call vote, City Council adopted the resolution regarding the closed executive session that was previously circulated to the Council. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Aguirre.

The resolution reads as follows:

RESOLUTION NO. 3367

WHEREAS, the Alexandria City Council has this 24th day of January, 2026 recessed into executive session pursuant to a motion made and adopted in accordance with the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by the city council that such executive session was conducted in accordance with Virginia law;

NOW, THEREFORE, BE IT RESOLVED, that the city council does hereby certify that, to the best of each member's knowledge, only public business matters that were identified in the motion by which the executive session was convened, and that are lawfully exempted by the Freedom of Information Act from the Act's open meeting requirements, were heard, discussed or considered by council during the executive session.

20. Adjournment.

THERE BEING NO FURTHER BUSINESS TO BE CONSIDERED, upon motion by Vice Mayor Bagley, seconded by Councilwoman Greene and carried 6-0, City Council adjourned the public hearing meeting of January 24, 2026 at 5:25 p.m. The vote was as follows: In favor, Mayor Gaskins, Vice Mayor Bagley, Councilman Chapman, Councilman Elnoubi, Councilwoman Greene, and Councilman McPike; Opposed, none; Absent, Councilman Aguirre.

APPROVED BY:

ALYIA GASKINS MAYOR

ATTEST:

Gloria A. Sitton, CMC City Clerk

Adopted: April 14, 2026