



DOCKET ITEM #8
Text Amendment #2025-00007
Commercial Uses Updates

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|--|------------------------------|-------------------|
| Issue: Commercial Uses Updates | Planning Commission Hearing: | December 2, 2025 |
| | City Council Hearing: | December 13, 2025 |
| Description: A) Initiation of a Zoning Text Amendment; and B) Public Hearing and consideration of various text amendments to Articles II, III, IV, V, VI, VII, VIII, XI, and XII of the Zoning Ordinance to amend certain commercial and nonresidential definitions and use limitations, to (1) change certain commercial and nonresidential uses from requiring Special Use Permits and Administrative Special Use Permits to permitted uses; (2) to change certain uses from requiring a Special Use Permit to an Administrative Special Use Permit; (3) to add certain commercial and nonresidential uses to more zones; (4) to reduce the processing time for an Administrative Special Use Permit Change of Ownership; and (5) to amend certain 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 allowing accessory uses to park in existing parking facilities on nonresidential properties. | | |
| Staff: City of Alexandria, Department of Planning & Zoning: Paul Stoddard, Director, Department of Planning & Zoning Tony LaColla, AICP, Division Chief, Land Use Services Ann Horowitz, Principal Planner, Land Use Services Mary Christesen, Principal Planner, Land Use Services Sam Shelby, Principal Planner, Land Use Services Rachel Drescher, Urban Planner III, Land Use Services Mavis Stanfield, Urban Planner III, Land Use Services Lanning Blaser, Urban Planner II, Land Use Services | | |
| Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment. | | |

I. SUMMARY

The Department of Planning & Zoning proposes Zoning Ordinance text amendments to Articles II, III, IV, V, VI, VII, VIII, XI, and XII to minimize regulatory processes required for certain uses and to align Zoning Ordinance language with present day business terminology and practices. The proposed changes would not create neighborhood impacts or diminish the City’s overall quality of life.

II. BACKGROUND

Rationale for Proposed Text Amendments

Approximately every five years, staff evaluates the use requirements for commercial and other nonresidential uses to assess the appropriate level of regulatory review is assigned to each use and that neighborhood impacts would not result if the type of use approval changed. This periodic evaluation considers streamlining City processes to reduce businesses’ start-up costs, changes to business types and practices, Planning Commission and City Council feedback regarding uses, and the level of complaints and zoning violations for each use.

The staff recommended text amendments in this staff report and the attached zoning ordinance amendment language balance an appropriate level of Zoning Ordinance regulation to limit neighborhood impacts, streamline business processes, and modernize ordinance sections relevant to commercial and nonresidential uses.

City Charter Section 9.09 authorizes the City Council to adopt by ordinance a comprehensive zoning plan that includes: (a) the permitting of specified uses of land, buildings and structures in the zones and the prohibition of all other uses, and (h) requires that permits be granted for special uses of property within a zone.

Public Engagement

The community has been informed of the proposed commercial uses text amendments through eNews, several presentations, and the project website as noted:

| Type of Outreach | Date |
|---|-------------------------------------|
| Planning Commission Work Sessions | September 4, 2024, October 7, 2025 |
| Website: https://www.alexandriava.gov/zoning/zoning-amendments | Launched August 29, 2025 |
| Alexandria eNews | September 8 and 10, October 8 and 9 |
| Zoning Text Amendment Open House (21 participants) | October 22 |
| Open House video posted on website with ability to comment | October 23 to present |
| Bi-monthly P&Z Virtual Community Update | June 17, September 2, October 30 |
| NAIOP (22 participants) | November 19 |

Two participants attending the October 22 open house expressed that restaurants should remain as requiring administrative special use permit approval. NAIOP attendees suggested three

revisions to the staff recommended text amendment language: 1) Increase the number of complainants from one or two individuals to three for concerns submitted to P&Z regarding environmental impacts in the use limitations sections; 2) Eliminate the SUP requirement for certain less active uses, such as banks and other personal service uses, which locate in tenant spaces with 30 feet or greater frontages in the KR and Mount Vernon Overlay zones, and; 3) Allow all indoor live entertainment, regardless of tenant square footage, as a permitted use.

Otherwise, staff has received no additional public comments on the overall proposal.

III. RECOMMENDATIONS

Staff proposes amendments to Articles II, III, IV, V, VI, VII, VIII, and XI, and XII of the Zoning Ordinance, which are attached. The description of the changes falls under two categories: A. Uses proposed for reduced regulatory review; and B. Minor updates.

A. Uses proposed for reduced regulatory review

Administrative Special Use Permit (SUP) change of ownership

Reduce processing time from 30 days to two weeks

In response to new business owners taking over an existing SUP use and needing to open quickly for financial reasons, staff recommends reducing the process time for administrative SUP changes of ownership from 30 days to two weeks. The proposed process would remove the two-week requirement for public comment, which rarely elicits public concerns that are subject to SUP review or zoning enforcement. Nonetheless, the public would remain informed when an SUP changes hands through eNews notifications and emails sent to civic association presidents. Appeals may be submitted 30 days after the director's decision of approval should an issue of concern arise. Section 11-511(C)(1) has been amended for the shortened change of ownership process.

Bus shelter on private property

This use has been deleted from zones where it appeared as a special use permit as it would typically be an accessory use to development projects requiring either Development Site Plan (DSP) or Development Special Use Permit (DSUP) approval. Aspects of the location of a bus shelter on private property would be the subject of the interdepartmental analysis associated with these applications.

Fraternal or private club, Funeral home

SUP to permitted

As the potential for land use impacts for these uses is associated with parking and regulated in Article VIII, staff recommends allowing fraternal or private clubs and funeral homes to operate as permitted uses. Activities take place indoors and noise issues would be controlled by City Code Chapter 5 - Noise Control.

Live entertainment, indoor, in 2,000 square feet or less

SUP to permitted

Staff recommends allowing relatively small uses of 2,000 square feet or less, such as restaurants and retail, to include indoor live entertainment as permitted uses, subject to an added use limitation requiring doors and windows to remain closed and the entertainment to cease by 11 p.m. Based on experience with these types and sizes of uses, noise impacts have not caused problems, especially when the noise does not filter outdoors. Live entertainment in indoor spaces larger than 2,000 square feet or taking place outdoors would still require special use permit approval at public hearing.

Private school, academic

Commercial, mixed-use, and RMF/residential multi-unit zones:

SUP use to permitted use with administratively approved pick-up and drop off plan

Staff proposes shifting private academic schools from an SUP use to a permitted use subject to director approval of a pick-up and drop-off plan. Planning Commission and City Council recent SUP reviews of private academic schools have only centered on the pick-up and drop-off plan. Given staff success with ensuring child, pedestrian, and driver safety, as well as minimizing traffic congestion, through the administratively approved plans, it believes the pick-up and drop-off plan would sufficiently address impacts. Complaints are rarely submitted for plans that comply with conditions. Should concerns arise, the pick-up and drop-off agreement states that the director has a right to revisit the plan and impose additional conditions. Amendments to the use limitations for each zone require a pick-up and drop-off plan for private academic schools in commercial and mixed-use zones. It exempts private colleges and universities as their students drive or take mass transit and their arrival and departure times are staggered throughout the day and evening.

For private academic schools on expansive properties with multiple buildings or with playing fields, DSP or DSUP would be precipitated. This regulatory path would provide the opportunity for comment at public hearings.

Residential zones (except for RMF/residential multi-unit zone):

SUP to Administrative SUP for private academic schools in a place of worship

Staff recommends allowing private academic schools as an administrative SUP use similar to how day care centers are now treated in residential zones. Pick-up and drop-off procedures would be evaluated as part of this staff review.

Private academic schools other than those located in a place of worship would remain as requiring SUP approval. The RMF zone was excluded from this proposed change as its commercial uses are structured like those in the CRMU mixed-use zones.

Public buildings

SUP to permitted

Given that public buildings are the subject of multi-leveled staff and public review through the Capital Improvement Program (CIP), other budget discussions, and community outreach, staff believes the need for separate SUP approval is redundant. Planning Commission approval of a DSP at public hearing would still be required in most instances and would allow for additional public feedback.

The recent case regarding the by-right renovation of City Hall, Market Square, and the parking garage exemplifies the significant budgetary considerations and community outreach events that would occur for future public building projects without an SUP approval requirement in place. Similarly, public parks and public schools, now, do not require City Council approval for an SUP unless parking, FAR, or height modifications are needed.

This text amendment also proposes the addition of public buildings in all zones to ensure City amenities and services are widely available and conveniently located for all City residents.

Public trailers (City department and Alexandria City Public School [ACPS] operated)

Administrative SUP to permitted

This text amendment proposes that City and ACPS operated trailers become permitted uses given the substantial analysis and budget considerations, subject to public comment, that are involved. Staff believes an additional regulatory SUP review would be unneeded. Nevertheless, regulatory review through an administrative site plan amendment approval would be still required at school sites. This approval would ensure that matters such as proper site placement, landscaping, parking, ADA access, and traffic flow remain adequate with the addition of trailers.

The City and ACPS have used trailers to accommodate Recreation, Parks, and Cultural Activities (RPCA) enrichment activities and additional capacity for public schools. ACPS is currently exploring options for trailers to alleviate the over-capacity at the George Washington and Francis C. Hammond Middle Schools. A proposal for the potential use of trailers was presented at the October 23 school board meeting. At the meeting, the use of trailers was proposed for no more than five years, which is the same as the present administrative SUP limitation. Allowing trailers as permitted would allow ACPS future flexibility for addressing capacity or as swing space during major renovation projects.

Restaurant

Administrative SUP to permitted

Based on the lack of zoning complaints associated with indoor restaurants, including those in commercial complexes which have been permitted uses since 2020, staff recommends allowing restaurants as permitted uses, subject to the use limitations added in section 7-1900. The added use limitations mirror the conditions now included in administrative SUP staff reports. Not only would this streamline processes for new restaurant start-ups, but it would also standardize regulations for all restaurants as many operate under varying sets of SUP conditions added and changed over several decades. Simplification of restaurant zoning ordinance operating practices would reset the requirements for restaurateurs and clarify the expectations for residents.

Infrequent comments during the 14-day public feedback opportunity, associated with existing administrative SUP reviews, have related to indoor hours of operation, number of seats, alcohol service, or the potential for noise, which are outside the purview of the SUP. Since 2020, SUPs for indoor restaurant uses have not included conditions pertaining to indoor hours of operation and number of indoor seats or to alcohol service, which falls under the review of the Virginia Alcoholic Beverage Control Authority. Compliance with the noise code, similarly, has not been an SUP condition since City Code Chapter 5 – Noise Control regulates noise issues.

**Barbershops and beauty shops with frontages of 30 feet or more
(KR/King Street urban retail and Mount Vernon Avenue urban overlay zones)**

SUP to permitted

Recent City Council SUP approvals for barbershops and beauty shops in tenant spaces with frontages of 30 feet or more along King Street brought to light the level of vitality they share with retail uses. Given that these uses combine retail sales as part of their business models, staff shifted barbershops and beauty shops from the personal service to the retail definition as barber shops, hair and skincare salons and spas. As a retail defined use, barber shops, hair and skincare salons and spas would be permitted uses regardless of frontage along the King Street urban retail and the Mount Vernon Avenue urban overlay zones.

Temporary trailers for nonresidential uses

SUP to administrative SUP

In response to a sharp increase in the number of City Council-approved temporary trailer SUP requests between 2020 and 2024, the Planning Commission asked staff to develop options for a potential administrative SUP process and present it at a 2024 work session. The Planning Commission feedback from its work session formed the basis for the administrative SUP criteria proposed in section 11-513(S). The section allows for a three-year term with an option to reapply for an additional two years; limits the use to one trailer per lot; and requires use for 90 consecutive days. Section 7-110(C) has been also amended and notes that administrative SUP approval is required subject to section 11-513(S).

B. Minor updates

As part of the text amendment document, staff has taken the opportunity to not only to recommend revisions for the regulatory review of several uses, but also to ensure that definitions are relevant and updated. The following definitions have been deleted, amended, or added:

1. Definitions in Article II

Deleted:

Theater

- Incorporated in the recreation and entertainment use category.

Amended:

Automobiles and trailer rental and sales

- Amended to include the sale of recreational vehicles.

Awning or canopy, Floor area

- Amendment allows fabric awnings with physical supports and removes the FAR requirement.
- Accommodates increased business, school, and park requests for awnings to protect individuals in outdoor spaces during hot summer days.

Business and professional office

- Amended to make the definition gender neutral.

Live entertainment

- Added the word, frequently, to align with staff observations of business practices.

Manufacturing

- Updated to delete restriction on types of food and beverage products that may be manufactured and deleted the exclusion for photographic film.

Motor vehicle parking and storage

- Deleted section allows greater flexibility for shared parking by allowing accessory uses to park in existing parking facilities which have excess parking that is not continually used.
- Coordinates with amendments in sections 7-101(P) and 8-200(C)(4) to allow accessory use of underused parking lots and garages.

Personal service establishment

- Changed to personal service and shift barbershops and beauty salons as well as optical centers, which operate more as retail uses, to the retail definition.
- Shortened definition name to personal service and amended each section of the zoning ordinance to reflect the amended term.
- Removed terms for store or shop from the definition as these connote a retail use.

Restaurant

- Simplified definition and added a reference to tables, counter service, carry-out, and banquet facilities to formalize the staff use determination for restaurants.

Retail shopping establishment

- Simplified as retail.
- Added beauty and grooming sales and services, including barber shops, hair and skincare salons and spas and optical products.
- Deleted obsolete terms and replaced them with present day language.

Trailer

- Refined the existing definition and clarified that temporary storage units, temporarily placed at a residential dwelling when individuals are moving, are not considered trailers when used for 30 days or less.

Use, accessory

- Clarified that a use can be considered an accessory use when it occupies less than one-third of the gross floor area.

Added:

Place of worship

- Added to represent a broad range of religious institutions represented in the City. Replaces the term, church, in several zones.

2. Use limitations sections

Use limitations appear in each zone, excluding all residential zones except for the mixed-use RMF zone, and regulate a zone's uses. The updates to the proposed use limitations delete requirements, such as the repair of only small appliances, location of loading facilities, securing of state and federal licenses for day care establishments and commercial schools, and limitations on manufacturing. These are either regulated elsewhere in the ordinance or at the state level and others are outdated.

The amendment also replaces a broad “noxious or offensive” prohibition with a nuisance-based, outcome-focused standard tied to impacts beyond the property line and a defined complaint and compliance process. It sets a higher bar for violations whereby impacts must substantially and unreasonably interfere with health, safety, peace, or comfort offsite and be verified after specified complaint thresholds are met including either (a) two or more complaints from the same complainant about the same condition, or (b) one or more complaints from two or more distinct complainants about the same condition. Upon notice and within 30 days, the person responsible will be required to submit a control plan using best available control technologies/industry practice. The director may modify the plan, set deadlines, and require monitoring/inspections. Routine, customer expected attributes of a use (e.g., the smell of baked goods from a bakery) are not violations unless they meet complaint and verification criteria and are determined to create a significant offsite nuisance.

Use limitations additions reflect use updates proposed in this staff report and provide criteria – closed windows and doors and hours until 11 p.m. – to allow for permitted indoor live entertainment in tenant spaces of 2,000 square feet or less and to require private academic schools serving compulsory school aged children to gain approval for a pick-up and drop-off plan prior to business opening. An amendment to the use limitations also clarifies that only storage must be accommodated in a completely enclosed building.

3. Use adjustments in zones

Industrial zone

The amendments to the industrial zone recapture permitted uses, other than storage buildings and warehouses, which were inadvertently removed as part of the 2023 Zoning for Housing text amendment. The lack of activity, that is typically associated with storage buildings and warehouses, and its usual location in larger buildings, which could minimize the zone's diversity of industrial uses, prompted staff to also recommend limiting the permitted use up to 40,000 square feet or in existing buildings prior to the effective date of this ordinance, regardless of size. An SUP would be required for storage buildings and warehouses other than those listed as permitted.

Add child and elder care homes to commercial zones

Child and elder care homes have been a use traditionally found in the residential zones. Although dwelling types have been added to the commercial zones over time, child and elder care homes had not followed. This text amendment corrects this with the addition of child and elder care homes in commercial zones where dwellings are permitted. A resident in their home may care for five or fewer individuals through the addition of the use in the permitted sections and the care of six to nine individuals has been added in the administrative SUP sections. Both must adhere to the requirements of section 7-500 and administrative uses must also comply with the criteria of section 11-513 for administrative uses.

Add all retail and personal service uses to ground floor uses in medium and high-density residential zones (RCX, RC, RD)

Now limited to highly specific retail and personal service uses, this text amendment expands the allowable uses by adding the general terms, retail and personal service, to the zones. This would provide the opportunity for more services and amenities available to residents of these multi-unit communities, similar to how other mixed-use zones are structured.

For future study, staff will explore potentially shifting the retail and personal service uses from SUP to permitted uses.

Health and athletic club or fitness studio, outdoor

Add as SUP use

As a follow-up to the COVID-19 outdoor business expansion program, staff recommends adding outdoor health and athletic clubs and fitness studios as an SUP use. Hours of operation and noise mitigation measures can be controlled through SUP reviews to minimize noise concerns which cannot be addressed by the City Code. Health and athletic clubs operating indoors remain as permitted uses and the term, indoor, has been included in each zone where the use is now allowed.

4. Parking

Three changes to Article VIII propose to modernize parking regulations and to ensure existing parking facilities are used to capacity. First, at the request of the Planning Commission and City Council, staff has removed the requirement for interior and exterior significantly altered structures and buildings, where expenditures amount to one-third or more of the market value, to comply with current parking standards. Given that the requirement is part of the definition for a significantly altered building, staff has deleted the terms, significantly altered or a significant alteration, where they appear in Article VIII, and specifically in 8-100(A)(1) and 8-200(F)(4).

Another amendment to Article VIII addresses the need to reduce high parking ratios for indoor and outdoor recreation and entertainment uses and for health and athletic club or fitness studios. The uses were not part of the 2018 commercial parking text amendments, which lowered the parking requirements for several commercial uses. Presently, indoor recreation and entertainment uses must provide one parking space for every 200 square feet and the outdoor use must accommodate one parking space for every 400 square feet. The parking requirement for health and athletic club or fitness studios is one parking space for every 400 square feet. Staff finds the uses to have a similar customer turnover rate as restaurants and recommends that the requirements are amended to be the same. The proposed parking requirements are stated in section 8-200(A)(17)(a) and (b) and would be: a minimum of one space per 1,000 square feet and a maximum of three spaces per 1,000 square feet within the enhanced transit area; and a minimum of one space per 1,000 square feet and a maximum of four spaces per 1,000 square feet outside the enhanced transit area.

Last, it has come to staff's attention that commercial businesses would like to park vehicles in underused parking lots and garages within 1,000 feet of the businesses at nonresidential properties, such as places of worship, in residential zones. At present, the zoning ordinance limits commercial and industrial parking use to commercial and industrial zones within 1,000 feet of a business. Staff proposes to allow commercial and industrial uses the opportunity to park associated vehicles within 1,000 feet on nonresidential properties, as noted in amended section 8-200(C)(4).

IV. STAFF RECOMMENDATION

Staff recommends that the Planning Commission initiate and support the text amendments as noted on the attachment to align regulatory approvals with actual neighborhood impacts. The text amendments respond to the business community's need for streamlined processes to reduce start-up costs, particularly critical during uncertain challenging economic times, while maintaining the City's exemplary quality of life.

Staff:

Paul Stoddard, Director
Tony LaColla, AICP, Division Chief, Land Use Services
Ann Horowitz, Principal Planner
Mary Christesen, Principal Planner
Sam Shelby, Principal Planner
Rachel Drescher, Urban Planner III
Mavis Stanfield, Urban Planner III
Lanning Blaser, Urban Planner II

Attachment: Proposed Zoning Ordinance Text Amendments

ARTICLE II. DEFINITIONS

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, liveReserved.

~~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.

ARTICLE III. RESIDENTIAL ZONE REGULATIONS

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;
- ~~(F)~~ Public park;
- ~~(G)~~ 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 ~~church~~ place 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;
- ~~(F)~~ Public park;
- ~~(G)~~ 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 ~~church~~ place of worship or school building;

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

3-203 - Special uses.

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

- (D) Private school, academic;
- (E) Any ~~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.

3-206 - Bulk and open space regulations.

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

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

3-302 - Permitted uses.

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

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

3-302.1 - Administrative special uses.

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

- (A) Day care center within a ~~church~~place 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 ~~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.

3-306 - 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. 3-400 - 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;
- ~~(F)~~ Public park;
- ~~(G)~~ 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;
- (I) 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;
- (~~J~~) 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;

~~(HI)~~ Public school;

~~(IJ)~~ 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;~~

- ~~(31) Cleaning, laundry or pressing agency with no actual operations on premises~~ Business and professional office;
 - ~~(42) Day care center;~~
 - ~~(53) Drugstore~~ Health and athletic club or fitness studio;
 - ~~(64) Gift shop~~ Medical care facility;
 - ~~(75) Grocery store or convenience store, where products are not prepared or consumed on premises~~ Personal service;
 - ~~(86) Health and athletic club or fitness studio~~ Restaurant;
 - ~~(8.17) 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;~~
 - ~~(10) 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;
- ~~(G) Public park;~~
- (H) Public school;

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

3-902.1 - Administrative special uses.

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

- (C) Day care center within a ~~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 ~~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. 3-1000 - RD/High density apartment zone.

3-1001 - Permitted uses.

The following uses are permitted in the RD zone:

(B.1) ~~Church~~Place 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;~~

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

~~(4) 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~~;

~~(HI) Public building~~;

~~(HI) Public park~~;

- (~~I~~) Public school;
- (~~K~~) 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;

- (C) 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;

- (~~E~~G) Public park;

- (H) Public school;

- (~~H~~I) 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;

~~(E)G) Public park;~~

(H) Public school;

~~(F)I) 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.~~

ARTICLE IV. COMMERCIAL, OFFICE AND INDUSTRIAL ZONES

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;

(G.1) Live, indoor entertainment in 2,000 square feet or less, pursuant to section 4-107;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

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

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

~~(E) Fraternal or private club~~ Health and athletic club or fitness studio, outdoor;

~~(F) Funeral home~~ Live entertainment, other than pursuant to section 4-102;

- (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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~
- (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 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.~~

(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;

(G.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-207;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

(H.1) Place of worship;

(H.2) Private school, academic;

(H.13) 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~~Health and athletic club or fitness studio, outdoor;

- (I) ~~Funeral home~~Live entertainment, other than pursuant to section 4-202;

- (N.1) ~~Outdoor market, other than pursuant to section 4-202.1;~~

- (N.2) ~~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) ~~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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

- (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 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. 4-300 - 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;

(G.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-307;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

(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~~ Health and athletic club or fitness studio, outdoor;

(N.1) Live entertainment, other than pursuant to section 4-302;

~~(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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~
- (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;

(E.4) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-407;

(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~~Health and athletic club or fitness studio, outdoor;

(L) ~~Funeral home~~Reserved;

(R.1) Live entertainment, other than pursuant to section 4-402;

(U) ~~Reserved;~~

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

(X) ~~Public building;~~

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

(Y-1X) ~~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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

(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) ~~Church~~Reserved;

(F.2) Fraternal or private club;

(F.3) Funeral home;

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

(H.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-507;

(H.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(H.23) Outdoor dining located on private property at a commercial complex;

(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~~Health and athletic club or fitness studio, outdoor;
- ~~(MK)~~ Homeless shelter;
- ~~(NL)~~ Hospital;
- ~~(OM)~~ Hotel;
- ~~(L.1N)~~ Live entertainment, other than pursuant to section 4-502;
- ~~(PO)~~ Medical care facility;
- ~~(QP)~~ Motor vehicle parking or storage for more than 20 vehicles;
- ~~(RQ)~~ Newspaper office, including printing and publishing facilities;
- ~~(S) —Reserved;~~
- ~~(FR)~~ Nursing or convalescent home or hospice;
- ~~(T.1S)~~ Outdoor dining on private property, other than pursuant to sections 4-502 and 4-502.1;
- ~~(T.2T)~~ Outdoor market, other than pursuant to section 4-502.1;
- ~~(T.3U)~~ 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;~~
- ~~(ZX)~~ 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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~
- (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;

(F.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-607;

(F.4) ~~2~~ Motor vehicle parking or storage for 20 vehicles or fewer;

(F.2) ~~3~~ Outdoor dining located on private property at a commercial complex;

(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~~ Health and athletic club or fitness studio, outdoor;

~~(I) Funeral home;~~

~~(J) Reserved;~~

~~(K) Reserved;~~

~~(L) Homeless shelter;~~

~~(M) Hospital;~~

~~(N) Hotel;~~

(K.1) Live entertainment, other than pursuant to section 4-602;

(O) Medical care facility;

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

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

~~(Q) Reserved;~~

(R) Nursing or convalescent home or hospice;

~~(R.1P) 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;~~

(U) Recreation and entertainment use, outdoor;

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

~~(V) Reserved;~~

~~(W) Reserved;~~

~~(XU) 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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~
- (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 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. The dDay 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 and outdoor;

(B.2) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-707;

~~(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~~Reserved;

(F.1) Live entertainment, other than pursuant to section 4-702;

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.~~

(F) For indoor live entertainment, doors and windows must remain closed and the live entertainment must cease by 11 p.m.

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;

(G.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-807;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

~~(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~~ Health and athletic club or fitness studio, outdoor;

(L) ~~Funeral home~~;

(M) ~~Reserved~~;

(N) ~~Reserved~~;

(O) ~~Homeless shelter~~;

(P) ~~Hospital~~;

(Q) ~~Hotel~~;

(R) ~~Interstate bus station~~;

(S) ~~Light automobile repair~~;

(Q) Live entertainment, other than pursuant to section 4-802;

(FR) Medical care facility;

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

(V) ~~Reserved~~;

(WT) Nursing or convalescent home or hospice;

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

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

(W.3) 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~~;

- (~~ZX~~) Research and testing laboratory;
- (~~AA~~Y) Recreation and entertainment use, outdoor;
- (~~AA~~1Z) Retail shopping establishments, larger than 20,000 gross square feet;
- (~~BB~~) Reserved;
- (~~CC~~AA) 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. For indoor live entertainment, doors and windows must remain closed and live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

- (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;

(G.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-906;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

(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;~~Health and athletic club or fitness studio, outdoor;
- ~~(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.1M) Light assembly, service, and crafts, other than pursuant to section 4-902.1;~~
- ~~(S) Light automobile repair;~~
- (O) Live entertainment, other than pursuant to section 4-902;
- ~~(P) Medical care facility;~~
- ~~(U) Motor vehicle parking or storage for more than 20 vehicles;~~
- ~~(V) Reserved;~~
- ~~(W) Nursing or convalescent home or hospice;~~
- ~~(W.1S) Outdoor dining on private property, other than pursuant to sections 4-902 and 4-902.1;~~
- ~~(W.2T) Outdoor garden center, other than pursuant to section 4-902.1;~~
- ~~(W.3U) 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;~~
- ~~(Z) Recreation and entertainment use, outdoor;~~
- ~~(AA) Research and testing laboratory;~~
- ~~(AA.1X) Retail shopping establishments, larger than 20,000 gross square feet;~~
- ~~(BB) Reserved;~~
- ~~(CC) 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. For indoor live entertainment, doors and windows must remain closed and live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

(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. 4-1000 - 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;

(G.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-1006;

(G.12) Motor vehicle parking or storage for 20 vehicles or fewer;

(G.23) Outdoor dining located on private property at a commercial complex;

(H) Personal service establishment;

(H.1) Place of worship;

(H.2) Private school, academic;

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

(L.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, J) Fraternal or private club~~ Health and athletic club or fitness studio, outdoor;

~~(L) Funeral home;~~

~~(M) Reserved;~~

~~(N, K) Continuum of care facility;~~

~~(O, L) Homeless shelter;~~

~~(P, M) Hospital;~~

~~(Q, N) Hotel;~~

~~(R, O) Interstate bus station;~~

- ~~(R-1P)~~ Light assembly, service, and crafts, other than pursuant to section 4-1002.1(H-I);
- ~~(SQ)~~ Light automobile repair, other than pursuant to section 4-1002.1;
- (R) Live entertainment, other than pursuant to section 4-1002;
- ~~(FS)~~ Medical care facility;
- ~~(UT)~~ Motor vehicle parking or storage for more than 20 vehicles;
- ~~(V) Reserved;~~
- ~~(WU)~~ Nursing or convalescent home or hospice;
- ~~(W-1V)~~ Outdoor dining on private property, other than pursuant to sections 4-1002 and 4-1002.1;
- ~~(W-2W)~~ Outdoor market, other than pursuant to section 4-1002.1;
- ~~(W-3X)~~ Outdoor garden center, other than pursuant to section 4-1002.1;
- ~~(X) Private school, academie;~~
- ~~(Y) Public building;~~
- ~~(ZY)~~ Research and testing;
- ~~(AAZ)~~ 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;
- (CC) 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. For indoor live entertainment, doors and windows must remain closed and live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

- ~~(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. 4-1100 - 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;

(F.1) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-1106;

(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~~Health and athletic club or fitness studio, outdoor;

~~(K) Funeral home;~~

~~(L) Reserved;~~

~~(M) Reserved;~~

~~(N) Homeless shelter;~~

~~(O) Hotel;~~

~~(P) Interstate bus station;~~

~~(Q) Light automobile repair;~~

(O) Live entertainment, other than pursuant to section 4-1102;

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

~~(S) Medical care facility;~~

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

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

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

~~(T.3) 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;~~

~~(W) 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-1W)~~ Retail shopping establishments, on the same lot as office use, larger than 20,000 gross square feet;

~~(Y)~~ Reserved;

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

~~(ZY)~~ 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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

(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 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. 4-1200 - 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;

(L.2) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-1206;

~~(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 4-1292.1(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;

(H.1) Health and athletic club or fitness studio, outdoor;

(K.1) Live entertainment, other than pursuant to section 4-1202;

~~(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 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.~~

~~(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.~~

~~(G) For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

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) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 4-1413;
- (12) 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, outdoor, and 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.~~Live entertainment, other than pursuant to section 4-1403;

- (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. For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

- (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 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.

ARTICLE V. MIXED USE ZONES

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.43) 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;~~

(I) ~~Reserved~~Health and athletic club or fitness studio, outdoor;

~~(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.

5-110 - 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 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 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.4.3) Private school, commercial;~~

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

~~(F.2.5) 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;~~

(I) ~~Reserved~~ Health and athletic club or fitness studio, outdoor;

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

(NM) Recreation and entertainment use, outdoor;

(ON) ~~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.4.3) Private school, commercial~~;

(F.4) Public building;

~~(F.2.5) 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;~~

(I) Reserved Health and athletic club or fitness studio, outdoor;

~~(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;
- (E) Accessory uses, as permitted by section 7-100;
- (D) Business and professional office, above the ground floor;
- (A.3.4H) ~~Church~~ Child or elder care home; as permitted by section 7-500;
- (A.5I) Day care center;
- (J) Fraternal or private club;
- (F) Health and athletic club or fitness studio, indoor;
- (E) Health profession office, above the ground floor;
- (A.4M) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) 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;
- (G) Social service use;
- (B) 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;~~

(L.1) Health and athletic club or fitness studio, outdoor;

(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) ~~All~~ 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~~ 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) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 5-511;
- (C.12) Church Place of worship;
- (C.23) Personal service establishment, pursuant to section 5-509;
- (C.34) Private school, commercial, pursuant to section 5-509;

- (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~~Health and athletic club or fitness studio, outdoor;
- (E.1) Live entertainment, other than pursuant to section 5-502;
- (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;~~
- ~~(N)~~ Utilities, as permitted by section 7-1200;
- ~~(O) Reserved;~~
- ~~(P)~~ (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) ~~And~~Day care centers and private academic schools for compulsory school age students shall submit for the director's review a pick-up and drop-off plan that adequately ensures the safe transfer of children students and creates minimal impact on pedestrian and vehicular traffic. ~~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.

(F) For indoor live entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.

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 <u>place of worship</u> ; *** retail shopping establishment; theater, live ; *** |
| *** | | | | | |
| 4 | Winkler Tract | | | | *** retail shopping establishment, *** |
| *** | | | | | |
| 7 | Route 1 Properties | | | | |
| | | *** automobile, <u>recreational vehicles</u> , and trailer rental or sales *** *** automobile, <u>recreational vehicles</u> , and trailer rental or sales *** | | | |
| *** | | | | | |
| 10 | Potomac Yards/Greens | | | | *** <u>personal service</u> , *** |
| *** | | | | | |
| 19 | North Potomac Yard | | | | *** <u>amusement enterprises</u> <u>recreation and entertainment</u> ; *** retail shopping establishment; *** |
| *** | | | | | |
| 23 | Fillmore/Beauregard | | | | *** <u>churches</u> <u>places of worship</u> . |
| 24 | Oakville Triangle and Route 1 Corridor | | | | *** <u>amusement enterprises</u> <u>recreation and entertainment</u> ; *** |

| | | | | | |
|----|--------------------------------------|--|--|--|--|
| | | | | | Retailshopping establishment *** |
| 25 | ABC-Giant/Old Town North | | | | ***personal service establishment; *** academic or commercial; with more than 20 students on the premises at any one time; ***retailshopping establishments; *** |
| 26 | Public Storage/ Boat US | | | | *** private school, academic or commercial; with more than 20 students on the premises at any one time; *** retail shopping establishment; *** |
| 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 | | | | *** <u>amusement enterpriserecreation and entertainment</u> ; *** <u>convenience store</u> ; *** 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 | | | | *** churchplace of worship; *** personal service establishment; *** retail-shopping establishment; *** |
| 30 | Potomac River Generating Station | | | | *** churchplace of worship; *** personal service establishment; *** retail-shopping establishment; *** |
| 31 | Eisenhower Conversion | | | | *** churchplace 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;

ARTICLE VI. SPECIAL AND OVERLAY ZONES

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;

(b.2) Live entertainment, indoor, in 2,000 square feet or less, pursuant to section 6-707;

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

(d.1) Public building;

(d.2) 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~~ with frontage of more than 30 feet or more along King Street;

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

(e.3) Live entertainment, other than pursuant to section 6-702;

(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.1.2) Private school, commercial;

(f.4.3) 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. For live, indoor entertainment, doors and windows must remain closed and the live entertainment shall not be permitted between 11 p.m. and 7 a.m.~~

(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 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.~~

(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.

ARTICLE VII. SUPPLEMENTAL ZONE REGULATIONS

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 - ReservedRestaurant 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.

(K) All loudspeakers are prohibited on the exterior of the building.

ARTICLE VIII. OFF-STREET PARKING AND LOADING

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) ~~T~~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.
- (eb) "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.

ARTICLE XI.
DEVELOPMENT APPROVALS AND PROCEDURES
DIVISION A. ADMINISTRATION AND ENFORCEMENT OF
ORDINANCE
AND NOTICE OF PUBLIC HEARINGS

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~~ 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~~Specific standards for day care in a 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.~~
- (2) 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.
- (3) 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 Car washes shall be done at a commercial car wash facility.~~

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

- ~~(1) The applicant shall post the hours of operation.~~
- ~~(2) No new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour.~~
- ~~(3) Limited, live entertainment may be offered and must comply with the city's noise ordinance. No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall~~

~~reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.~~

- ~~(4) Restaurant managed delivery vehicles must be provided with dedicated off street parking spaces for each delivery vehicle.~~
- ~~(5) On and off premises alcohol sales, consistent with a valid ABC license are permitted.~~
- ~~(6) No food, beverages, or other material shall be stored outside.~~
- ~~(7) Kitchen equipment shall not be cleaned outside, including floor mats, nor shall any cooking residue be washed into the streets, alleys or storm sewers.~~
- ~~(8) The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.~~
- ~~(9) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.~~
- ~~(10) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and 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.

ARTICLE XII. NONCOMPLIANCE AND NONCONFORMITY

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.
