



Zoning Text Amendment #2022-00004
Auxiliary Dwelling Units

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|--|------------------------------|--|
| Issue: Auxiliary Dwelling Units | Planning Commission Hearing: | June 23, 2022 |
| | City Council Hearing: | July 5, 2022 |
| Description: Issue: Zoning Text Amendment #2022-00004 Auxiliary Dwelling Units in Commercial Zones Initiation of a text amendment and public hearing and consideration of a text amendment to the Zoning Ordinance to add the definition for auxiliary apartments in section 2-136.2; change the code number reference for co-living dwellings to section 2-136.3; to amend Section 8-200(A)(16) for parking and (4-100), (4-200), (4-300), 4-400), (4-500), (4-600); (4-800), (4-900), (4-1000); (5-100), (5-200), (5-300); (5-400), (5-500); (6-700) to increase the number of auxiliary apartments permitted in a commercial building; to allow auxiliary dwellings in the NR zone under Section 4-1414 and to make all zones consistent in language and the parking for such apartments. | | |
| Staff: Tony LaColla, AICP, Division Chief Mary Christesen, Zoning Manager Marlo Ford, AICP, Urban Planner | | anthony.lacolla@alexandriava.gov mary.christesen@alexandriava.gov marlo.ford@alexandriava.gov |
| Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommend APPROVAL of the text amendment. | | |
| PLANNING COMMISSION ACTION, JUNE 23, 2022: On a motion by Vice Chair McMahan, seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Zoning Text Amendment #2022-00004. The motion carried on a vote of 7-0. | | |

I. SUMMARY

The Department of Planning & Zoning proposes to amend the Zoning Ordinance to change the name of “Accessory apartments” to “Auxiliary dwellings” as well as permit such units in the NR zone in addition to all commercial zones where they are currently permitted. Staff is recommending greater flexibility as to where the units can be located in a commercial structure and how many units are permitted while maintaining commercial uses on the first floor. The recommendations proposed are based on a review of other jurisdictions practices as well as public feedback.

II. Issue

The existing Zoning Ordinance dates to 1992, with changes to sections of the Zoning Ordinance occurring over time. The issue of housing is varied as is complex. The issue of housing has taken on a host of sub issues to include the availability of housing, types of housing, affordability of housing, barriers that hinder access to housing and more.

The proposed Zoning Text Amendment is to update the “Accessory apartments” provision across commercial zones. The text amendment seeks to modify and amend the ordinance to modernize and transform how commercial buildings can be a channel to provide more housing and to continue to keep active and vibrant uses where each use can benefit from the other.

The following is a summary list of the proposed changes discussed in detail in this report with the specific text changes shown in Attachment 1:

- **Creation of Definitions**
 - Creation of definition for auxiliary dwellings.
- **Consistency**
 - Amend the ordinance to allow auxiliary dwellings in basements
 - Amend the ordinance to allow auxiliary dwellings on first floors if criteria are met.
 - Amend the ordinance to ensure that parking for auxiliary dwellings is consistent for all zones.
 - Amend the ordinance to allow the number of auxiliary dwellings to increase.

III. Background

On September 10, 2019, The Metropolitan Washington Council of Government (COG) initiated a publication titled, “The Future of Housing in Greater Washington.” The area in which this article focused on are those counties and localities that are members of COG.

In the document, COG was able to look at the localities along with the number of permits issued for housing in the area. The data revealed that between 2004 and 2005, the rate of permits for housing began a dramatic downward trend. It is not until 2011 and 2012 that an uptick in permits began for housing but not like the levels prior to 2004.

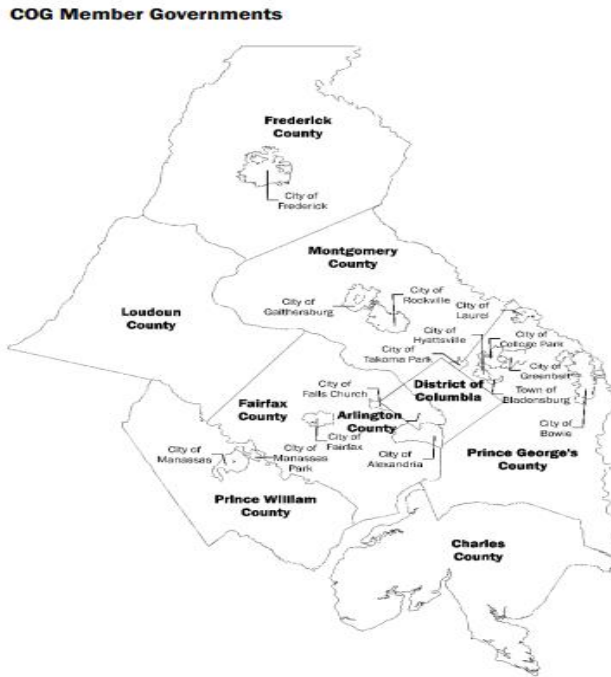
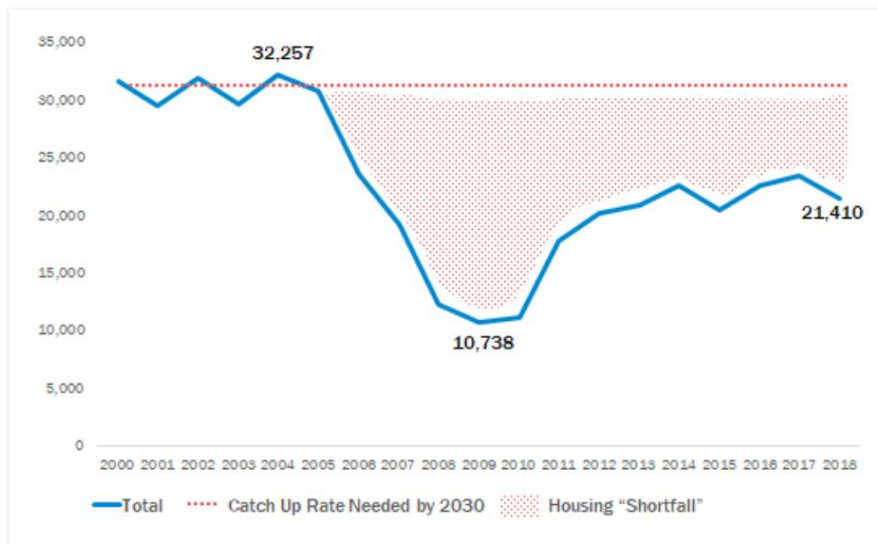


Figure 1: Localities in the Council of Government



Source: COG Analysis of U.S. Census Bureau C-40 Residential Permit Data

Figure 2: Housing Construction Permits by Year in Metropolitan Washington

Source: MW COG “The Future of Housing in Greater Washington, 2019

With this information, COG set three regional targets for local municipalities to aim for in the creation of meeting future housing goals and with the proposed changes, the City can move towards achieving two of those regional target goals.

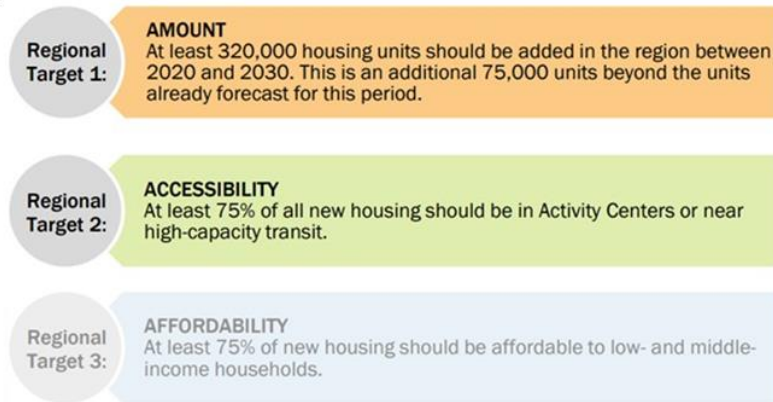


Figure 3: Regional Targets for housing in Greater Washington.

Change: The Purpose and Intent

Staff is looking at ways the City of Alexandria can meet Target 1 and Target 2 by analyzing current regulations for what is currently defined as “Accessory apartments” to make sure they are consistent across the commercial zones and ensure they are reflective of current development trends. Staff identified a way to allow more housing was to expand and provide flexibility for “Accessory apartments” in older commercial buildings across the City of Alexandria. The Zoning Ordinance currently allows for “Accessory apartments” across all commercial zones, so the concept of housing above commercial uses is not new, and in fact, dates back hundreds of years.

Staff found the regulations could allow for more flexibility while staying within the spirit of the Zoning Ordinance. Currently, the Zoning Ordinance prescribes a very limited number of “Accessory apartments” in each commercial zone, however; staff believes a slight increase in the number of those units and the location of those units within a structure could lead to a greater number of units and housing options for residents. As a side note, the “NR” zone, which consists of the Arlandria commercial area, does not currently allow for any “Accessory apartments” above commercial uses.

The following tables outline the current regulations (Table 1) and the new regulations being proposed (Table 2).

Text Amendment #2022- 0004
Auxiliary Dwellings in Commercial Zones

| Zone | Zone Name | Code Section | # of Units | Parking |
|-------------|---|---------------------|-------------------|---------------------------------------|
| CL | Commercial Low | 4-108 | 2 | multifamily |
| CC | Commercial Community | 4-208 | 2 | multifamily |
| CSL | Commercial Service Low | 4-308 | 2 | multifamily |
| CG | Commercial General | 4-408 | 2 | multifamily |
| CD | Commercial Downtown | 4-508 | 4 | 1 per unit on site or within 500 feet |
| CD-X | Commercial Downtown Old Town North | 4-608 | 2 | multifamily |
| OC | Office Commercial | 4-808 | 2 | multifamily |
| OCM-50 | Office commercial medium (50) | 4-907 | 2 | multifamily |
| OCM-100 | Office commercial medium (100) | 4-1007 | 2 | multifamily |
| NR | Neighborhood Retail | n/a | n/a | n/a |
| CRMU-L | Commercial residential mixed use (low) | 5-112 | 2 | multifamily |
| CRMU-M | Commercial residential mixed use (medium) | 5-212 | 2 | multifamily |
| CRMU-H | Commercial residential mixed use (high) | 5-312 | 2 | multifamily |
| CRMU-X | Commercial residential mixed use (Old Town North) | 5-411 | 2 | multifamily |
| W-1 | Waterfront Mixed Use | 5-513 | 2 | multifamily |
| KR | King Street Urban Retail | 6-704 | 8 | 1 per unit on site or within 500 feet |

Table 1: Zoning Table of currently permitted Accessory Apartment Units by Zone

| Zone | Zone Name | Code Section | # of Units | open space | parking |
|---------|----------------------------------|--------------|------------|------------|------------------------------|
| CL | Commercial Low | 4-108 | 4 | n/a | Commercial |
| CC | Commercial Community | 4-208 | 4 | n/a | Commercial |
| CSL | Commercial Service Low | 4-308 | 4 | n/a | Commercial |
| CG | Commercial General | 4-408 | 4 | n/a | Commercial |
| CD | Commercial Downtown | 4-508 | 4 | encouraged | Commercial |
| | Commercial Downtown Old Town | | | | Commercial |
| CD-X | North | 4-608 | 4 | n/a | |
| OC | Office Commercial | 4-808 | 4 | n/a | Commercial |
| OCM-50 | Office commercial medium (50) | 4-907 | 4 | n/a | Commercial |
| OCM-100 | Office commercial medium (100) | 4-1007 | 4 | n/a | Commercial |
| NR | Neighborhood | 4-1414 | 4 | n/a | Commercial |
| | Commercial residential mixed use | | | | Commercial |
| CRMU-L | (low) | 5-112 | 4 | n/a | |
| | Commercial residential mixed use | | | | Commercial |
| CRMU-M | (medium) | 5-212 | 4 | n/a | |
| | Commercial residential mixed use | | | | Commercial |
| CRMU-H | (high) | 5-312 | 4 | n/a | |
| | Commercial residential mixed use | | | | Commercial |
| CRMU-X | (Old Town North) zone | 5-411 | 4 | n/a | |
| W-1 | Waterfront Mixed Use | 5-513 | 4 | n/a | Commercial |
| | | | | | 1 per unit on site or within |
| KR | King Street Urban Retail | 6-704 | 8 | encouraged | 500 feet |

Table 2: Zoning Table of proposed Auxiliary Apartment Units by Zone

IV. Staff Analysis

Classification

The first issue that staff must reconcile is the term “accessory” as it has been applied to these apartments in commercial buildings. Per Section 2-104, “accessory” is defined as following:

2-104 Accessory use.

A use or structure which is clearly subordinate to and serves a permitted principal use; and is subordinate in area, extent and purpose to the principal structure or use served. An accessory use or structure generally occupies less than 33 percent of the principal use or structure's gross floor area and does not change the character of the principal structure or use.

2-197 Structure.

That which is built or constructed, an edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner.

2-197.1 Structure, accessory.

A subordinate structure, the use of which is incidental to that of the main building or to the use of the premises.

2-197.3 Structure, subordinate.

An accessory structure with a gross floor area that is less than 33 percent of the gross floor area of the principal or main building.

Staff suggests that because these apartments have been separately called out as a permitted use that can be more than 33 percent of the principal use or structure's gross floor area, they do not need to adhere to the definition of “accessory.” Many of the “accessory” definitions that were codified to the Zoning Ordinance were done so the address the recently adopted regulations regarding Accessory Dwelling Units (ADUs) that were approved in January 2021.

To ensure that the types of units are clearly defined, the name of such units within commercial buildings should be amended to the term “Auxiliary dwellings.” This new identification of such units would ensure that it is understood that the apartments would be a supplement to commercial buildings.

Consistency

The other factor that staff has considered is the consistency of regulations across zones. The zones vary in the number of units, location of units and parking. To ensure that each zone is more equitable in the allowance of auxiliary housing, staff is seeking to ensure that the zones are consistent.

The levels of consistency are as follow:

1. Increase the number of “Auxiliary dwellings” to four which would be consistent with that of the “CD” commercial downtown zone. The “KR” zone will be excluded with respect to any changes in the number of units. The reason why staff did not use the “KR” zone as a basis to pattern other zone is that the “KR” zone is the only zone that exists that allows up to eight units above first floor commercial. It is also the one zone that is under the “Special and Overlay Zone” that speaks of “accessory residential units.” The “KR” zone is not an overlay but a “Special” zone and thus, it stands separate and apart of the other zones.
2. Currently the “KR” King Street Retail zone is the only zone that will allow units on the first floor provided that the first 50.00 feet is a retail or other active use.
3. Allowing units on the ground floor or floors above or below retail or commercial uses would provide greater flexibility. Currently there are properties that may not have the ability to have units above a commercial unit but may have a basement. That ability to

permit a residential unit will allow for an area that may be unused for commercial purposes to be a benefit to the overall goal of creating addition housing units.

The overall benefit:

- a. the opportunity to potentially use the building in its entirety which is a benefit to the owner.
- b. the opportunity to provide housing in active walkable neighborhoods with a mix of commercial and residential uses is a benefit to vitality of a community or neighborhood.

New Language:

To bring all of the elements together of classification and consistency, the new language is proposed as:

Auxiliary dwellings.

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

History

Currently, the zoning regulations for parking for “accessory apartments” are inconsistent. The ordinance reads that accessory apartments, “shall be categorized as nonresidential for the purpose of applying the area and bulk regulations” yet the parking for such units is to be based on the parking criteria for multi-family. In all but two zones (KR, King Street Retail and CD, Commercial Downtown), the parking is based on the multi-family parking.

On May 15, 1993, Ordinance No. 3629 was adopted permitting the allowance of two accessory apartment units above a commercial ground floor use. In the adopted regulations, while the bulk regulations regarding yard requirements and open spaces were not applicable to the provision of “accessory apartments” it was indicated that parking would be based on multi-family parking.

It was not until the adoption of Ordinance No. 4413 where a new Section 6-700 was added with the adoption of the King Street Retail Urban Zone to Article VI which is the Special and Overlay zone on June 21, 2005. In that adoption, up to eight residential units above commercial/retail first floor us were permitted and were to be deemed “nonresidential” for the purpose of applying the area and bulk regulations. In addition, the ordinance allowed only one parking space for each apartment regardless of the number of bedrooms in such units. At that time of the adoption of this regulations, the parking regulations as adopted in the 1992 amendment to the Zoning Ordinance were still in effect: however, for the purposes of the KR zone, only one parking space was required. In addition, the parking that was to be provided could be tandem parking without requiring a Special Use Permit and if the space could not be provided on the site, then the parking could be provided within 500 feet of the site.

It is the precedent of previous adopted ordinances that makes the case for increasing the number of allowable “auxiliary dwellings” up to four units to be consistent with the “CD” zone.

Implications of Expansion

The reason to allow for additional units in the basement or on the first floor is that many of the commercial properties, in particular in the “downtown” area, were once residential units that have been converted. If there was a unit that was once commercial and they chose to add to the existing footprint, it is no longer eligible for “residential reversion”. This may be floor area that can be repurposed to add more housing. Per Section 12-101, a property is only allowed to revert back to commercial if it meets the following criteria as outlined in the ordinance.

In addition, the provision would be applicable if such a property that was currently residential and were to expand the footprint, that parcel would also be ineligible for residential reversion.

12-101 Terms defined.

(B) A building on a lot that does not meet the current zoning requirements for residential use, that was originally constructed or principally used prior to June 24, 1992, as a residence, may be reverted from commercial use to a residential use and shall be a noncomplying structure provided that:

- (1) The proposed residential use is permitted in the zone or is located in a building which faces the north side of the 1400 or 1500 block of King Street, or the south side of the 1600 block of King Street, which is setback from the front property line and has a first floor at least three feet above grade at the front building wall;
- (2) The proposed residential use contains a number of dwelling units equal to or less than previously existed on the property;
- (3) Since the most recent conversion to a commercial use, or since June 24, 1992, whichever is more recent, there has been no expansion to the structure and no changes to a lot of record that increase the degree of noncompliance for a residential use; and
- (4) Since the building was last a residential use, the number of parking spaces has not been reduced notwithstanding the requirements to provide parking in section 8-200.

(C) The term noncomplying structure does not include a structure that was grandfathered under prior law.

Parking

Currently, parking requirements for “accessory apartments” are based on multi-family parking ratios. In many areas of the city, multi-family parking requirements disincentivize the creation of “Auxiliary dwelling units” due to a lack of available land to meet the parking ratios. Additionally, parking increases the cost of housing, leading to higher housing costs.

In areas where the cost of land is high and in small supply, parking can become a challenge, particularly in older and denser cities like Alexandria. In Alexandria, many neighborhoods and buildings were developed prior to the automobile and lack the available space to provide parking.

In looking at the issue, staff found the majority of accessory apartments are located along higher density commercial corridors such as King Street and within the Enhanced Transit Area where access to employment, shopping, recreation, and frequent transit service is located. In Figure 4 below, the Enhanced Transit Area is colored gray and Commercial areas red.

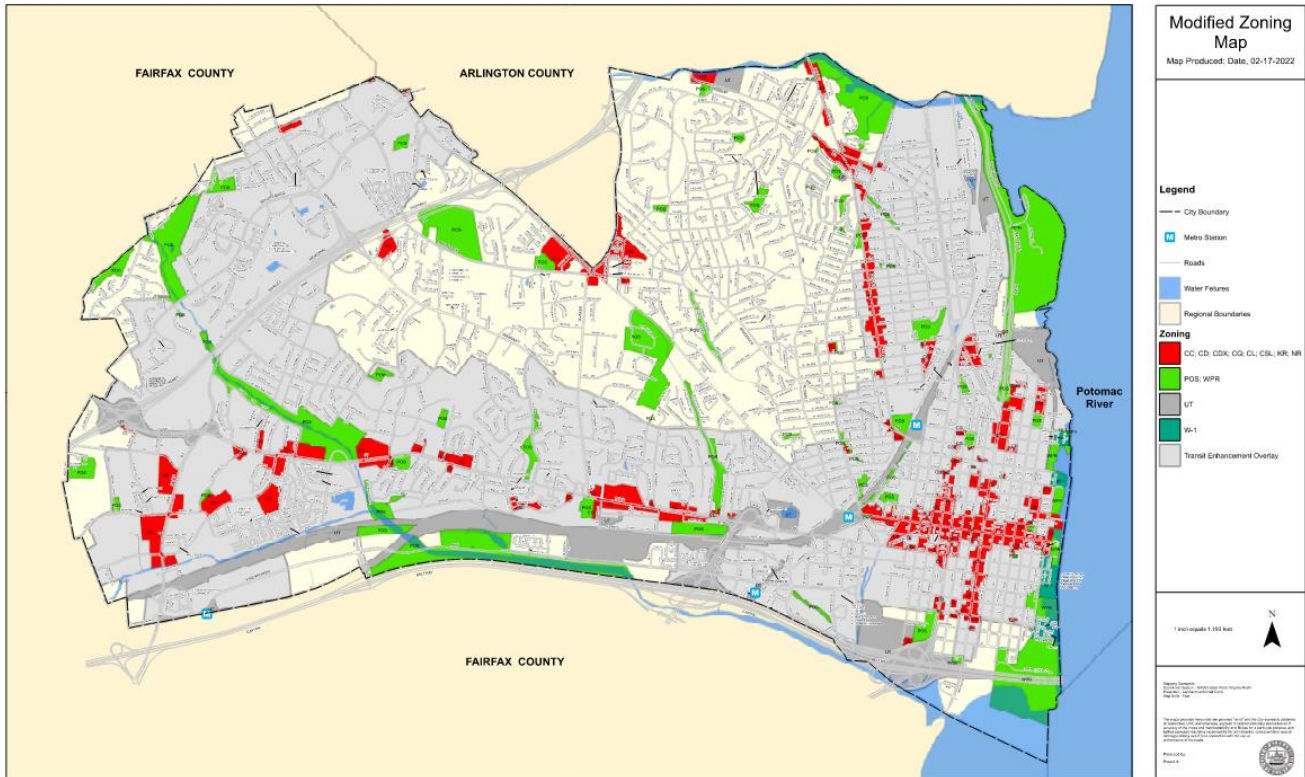


Figure 4: Transit Enhancement Map with Eligible Zones for Auxiliary Dwellings

Multi-family versus Commercial Parking Regulations

Staff looked at how parking ratios would be calculated using multi-family versus commercial parking regulations.

Multi-family parking is based on the number of bedrooms. For the purposes of parking calculations, staff used a two-bedroom apartment as they make up the majority of apartments in Alexandria. If a building contained the maximum of four auxiliary dwelling units with two bedrooms each, 6.4 parking spaces would be required within the Metro Station Walkshed Area. Eight spaces would be required outside the Metro Station Walkshed Area. Other deductions related to access to transit, walkability, percent of studio units, and affordability are available to reduce parking for both categories but were not included in the calculations in Table 3.

| Parking (Multi-family) | Within Metro Station Walkshed Area | Outside Metro Station Walkshed Area |
|------------------------|---|--|
| | .8 parking spaces per bedroom or 6.4 parking spaces for a maximum of four two-bedroom units | 1.0 parking spaces per bedroom or 8.0 spaces for a maximum of four two-bedroom units |

Table 3: Multi-Family Parking

Parking for commercial uses is based on total square footage and includes a minimum and maximum. If “Auxiliary dwellings” were deemed non-residential, as they currently are for the purpose of bulk and open space regulations; a building containing the maximum of four auxiliary dwelling units with an average size of 1,000 square feet each (total 4,000 sq. ft), would require a minimum of three parking spaces or a maximum of sixteen parking spaces if located outside the Enhanced Transit Area. Within the Enhanced Transit Area, one space would be required up to a maximum of 12 spaces permitted. When applying Section 8-100 (A)(9), sites having a parking requirement of two spaces or less are exempt from providing the spaces; thus “Auxiliary dwellings” totaling 4,000 sq. ft. would be exempt from parking requirements. In fact, a building containing up to 8,000 sq. ft. would still be exempt from parking requirements.

| Parking (Commercial) | Within Enhanced Transit Area | Outside Enhanced Transit Area |
|----------------------|---|--|
| | Minimum of .25 spaces per 1,000 sq. ft. up to a maximum of three spaces per 1,000 sq. ft. | Minimum of .75 spaces per 1,000 sq. ft with a maximum of four spaces per 1,000 sq. ft. |
| | Maximum parking of 3 *Per Section 8-100 (A)(9) less than two space, none will be required. | Minimum of .75 spaces per 1,000 sq. ft with a maximum of four spaces |

Table 4: Commercial Parking

Because most of the “Auxiliary dwellings” will be located within the Enhanced Transit Area and require two or less parking spaces, parking would often not be required. Given this, staff is proposing to not require parking for any square footage dedicated to “Auxiliary dwellings” within the Enhanced Transit Area. This has a two prong effect: (1) it will reduce the cost of producing the units as parking would not be a requirement; and (2) these units would attract residents that do not own cars thus increasing the use of transit, walking, and other alternative modes of transportation.

Parking can be addressed with the commercial parking regulations that are currently in Section 8-200 (A) (16) of the Zoning Ordinance with one modification as seen below:

- 16) *Specific commercial uses:*
- (a) Within the enhanced transit area:
 - i. Minimum requirement—0.25 spaces 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—0.75 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.
 - (c) The following uses are specific commercial for the purposes of determining parking requirements:
 - i. Animal care facility.
 - ii. Collegiate school or university.
 - iii. ~~Reserved..~~ Auxiliary dwellings.
 - a. No parking is required within the enhanced transit area.
 - b. The parking required outside the enhanced transit area is set forth in subsection (b) above.
 - iv. Day care center.
 - v. Light assembly, service and crafts.
 - vi. Personal service establishment.
 - vii. Private school, academic.
 - viii. Private school, commercial.
 - ix. Retail shopping establishment.

In order to provide greater flexibility for development of Auxiliary dwelling units and decrease the cost of those units, staff recommends using commercial parking ratios for determining parking requirements. Staff is also recommending that square footage dedicated to “Auxiliary dwelling units” within the Enhanced Transit Area, be exempt from parking regulations.

V. Community Outreach

The community engagement process for the Auxiliary Dwelling study began February 28, 2022, by being posted to the City’s eNews and soliciting feedback through the City’s website. Comments were open until the middle of April. On March 1, 2022, staff briefed Planning Commission regarding the pending proposal. Lastly, staff held a virtual community meeting on April 19, 2022, which included a formal presentation and question and answer session.

VI. Recommendation

Staff recommends that the text amendments contained in Attachment 1, be **initiated** and **recommend approval** of each of the attached Zoning Ordinance text changes.

Reference:

White House. President Biden Announces New Actions to Ease the Burden of Housing Cost. White House, May 16, 2022

Attachments:

1. Proposed Draft Text Amendments

ATTACHMENT 1

ARTICLE II. – DEFINITIONS

2-136.2 Dwelling, auxiliary.

A portion of a commercial building containing up to four dwelling units located on a ground floor or floors above or below retail or commercial uses.

2-136.23 – Dwelling, co-living.

A portion of a building containing five or six private living spaces, a shared kitchen and other communal areas. Each private living space must include a bedroom but may or may not include a private bathroom. Each co-living dwelling cannot exceed a total occupancy of eight people. Cooking facilities, specifically a stove or oven, shall not be provided within a private living space. Typically, private living spaces within a co-living dwelling are leased on an individual basis.

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:

(B.1) Auxiliary dwelling, not to exceed four units;

4-108 ~~Accessory apartments.~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

Sec. 4-200 CC/Commercial community zone.

4-202 Permitted uses.

The following uses are permitted in the CC zone:

(B.1) Auxiliary dwelling, not to exceed four units;

~~-208 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

4-302 Permitted uses.

The following uses are permitted in the CSL zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-308 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

Sec. 4-400 CG/Commercial general zone.

4-402 Permitted uses.

The following uses are permitted in the CG zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-408 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

Sec. 4-500 CD/Commercial downtown zone.

4-502 Permitted uses.

The following uses are permitted in the CD zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-508 Accessory apartments Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, although open space, in the form of balconies, courtyards and rooftop terraces, is strongly encouraged where feasible. each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size with the following exceptions: parking spaces may be compact size or tandem; parking shall be located either on the site or within 500 feet of it; and each one bedroom apartment unit shall provide at least one parking space. comply with Section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

4-602 Permitted uses.

(B.1) Auxiliary dwelling, not to exceed four units

4-608 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

Sec. 4-800 OC/Office commercial zone.

4-802 Permitted uses.

The following uses are permitted in the OC zone:

(B.1) Auxiliary dwelling, not to exceed four units;

4-808 ~~Accessory apartments.~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

4-902 Permitted uses.

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

(B.1) Auxiliary dwelling, not to exceed four units;

4-907 ~~Accessory apartments.~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

4-1002 Permitted uses.

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

(B.1) Auxiliary dwellings, not to exceed four units;

4-1007 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone. and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

4-1403 Permitted uses.

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

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

(2) ~~Dwelling unit;~~ **Auxiliary dwellings, not to exceed four units;**

4-1414 Auxiliary dwellings.

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

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:

(B.1) Auxiliary dwellings, not to exceed four units;

5-112 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

5-202 Permitted uses.

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

(B.1) Auxiliary dwellings, not to exceed four units;

~~-212 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

5-302 Permitted uses.

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

(B.1) Auxiliary dwelling, not to exceed four units;

5-312 ~~Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.

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.3) Auxiliary dwelling, not to exceed for units;

(A.34) Motor vehicle parking or storage for 20 vehicles or fewer;

(A.45) Day care center;

(A.56) Personal service establishment;

(A.67) Private school, commercial;

(A.78) Public school;

(A.89) Recreation and entertainment use, indoor;

(A.910) Retail shipping establishment, up to 20,000 gross square feet;

~~5-411 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

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

5-502 Permitted uses.

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

(B.1) Auxiliary dwelling, not to exceed four units;

~~5-513 Accessory apartments~~ Auxiliary dwellings.

~~One or two apartment~~ Up to four auxiliary dwelling units are permitted and located on a floor or floors above retail or commercial uses, shall be permitted as an accessory use. Such apartments shall be categorized as nonresidential for the purpose of applying the area and bulk regulations of this zone, and each s ~~Such apartment dwellings shall provide the parking required for a multifamily dwelling unit of equivalent size. comply with section 8-200(A)(16) for parking and where parking is required spaces may be compact size or tandem. Auxiliary dwellings are allowed behind a first floor commercial use, if the depth of the building is more than 50 feet measured from the front building wall and the building is setback no further than 30 feet from front property line.~~

ARTICLE VI. – SPECIAL AND OVERLAY ZONES.

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

6-702 Uses.

Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

(A) *Ground floor uses.*

(1) *Permitted uses:*

(i) Auxiliary dwelling, not to exceed eight units;

(B) *Upper floor uses.*

(1) *Permitted uses:*

(b) ~~Multifamily dwelling units or accessory apartments~~ **up to eight auxiliary dwelling units;**

6-704 ~~Accessory apartments~~ Auxiliary dwellings.

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

8-200 (A) (16)

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.

(16) *Specific commercial uses:*

- (a) Within the enhanced transit area:
 - i. Minimum requirement—0.25 spaces 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—0.75 spaces per 1,000 square feet of floor area.
 - ii. Maximum requirement—4.0 spaces per 1,000 square feet of floor area.
- (c) The following uses are specific commercial for the purposes of determining parking requirements:
 - i. Animal care facility.
 - ii. Collegiate school or university.
 - iii. ~~Reserved.~~ Auxiliary dwellings.
 - c. No parking is required within the enhanced transit area.
 - d. The parking required outside the enhanced transit area is set forth in subsection (b) above.
 - iv. Day care center.
 - v. Light assembly, service and crafts.
 - vi. Personal service establishment.
 - vii. Private school, academic.
 - viii. Private school, commercial.
 - ix. Retail shopping establishment.
