

Sec. 2-100 – Definitions.

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

2-112 – ~~Reserved.~~ Apartment hotel

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

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

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

2-153 – ~~Reserved.~~ Guest room.

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

2-161 – Hotel.

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

2-183.1 – Personal service establishment

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

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

2-198 – ~~Reserved.~~ Tourist home.

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

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

3-803 – Special uses.

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

(A) ~~Reserved Apartment hotel.~~

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

3-903 – Special uses.

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

(A) ~~Reserved Apartment hotel.~~

Sec. 3-1100 – RM/Townhouse zone.

3-1103 – Special uses.

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

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

Sec. 4-400 CG/Commercial general zone.

4-403 – Special uses.

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

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

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

4-503 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

(Y) ~~Reserved Tourist home.~~

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

4-603 – Special uses.

(B) ~~Reserved Apartment hotel.~~

(W) ~~Reserved Tourist home.~~

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

4-803 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-903 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-1003 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

4-1103 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

Sec. 4-1200 - I/Industrial zone.

4-1202 – Permitted uses.

The following uses are permitted in the I zone:

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

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

5-103 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

5-203 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

5-303 – Special uses.

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

(B) ~~Reserved Apartment hotel.~~

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

5-402 – Permitted uses.

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

(G) Social service use;

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

5-403 – Special uses.

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

(I) ~~Reserved Apartment hotel.~~

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

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

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

Table 1. Coordinated Development Districts

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

					private club; health and athletic club or fitness studio; health profession office; helistop; homeless shelter; hospice; hospital; hotel; light assembly, service, and crafts; medical care facility; medical laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor dining located on private property; outdoor dining and outdoor retail display and sales pursuant to 5-602(E)(14) and (15); outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use, indoor and
--	--	--	--	--	--

					<p>outdoor; restaurant; retail shopping establishment; theater, live; social service use; solar energy system not serving a building, valet parking; and veterinary/animal hospital</p>
***	***	***	***	***	***
29	Landmark Neighborhood	***	***	***	<p>Active recreational uses; animal care facility; any use with live entertainment; apartment hotel; business and professional office; child care home; church; congregate housing facility; congregate recreational facility; continuum of care facility; day care center; dwelling, multi- unit; dwelling, townhouse; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and</p>

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

					<p>with live entertainment; apartment hotel; arts and cultural anchors and tenants; business and professional office; child care home; church; congregate recreational facility; continuum of care facility; day care center; dwelling; multi-unit; dwelling, townhouse; dwelling, co-living; elder care home; food or beverage production exceeding 5,000 sq. ft., which includes a retail component; fraternal or private club; health and athletic club or fitness studio; health profession office; helistop; hospice; hospital; hotel; interim surface parking lots for non-construction uses on undeveloped blocks; light assembly, service, and crafts; medical care facility; medical</p>
--	--	--	--	--	--

					laboratory; nursing or convalescent home or hospice; outdoor dining; outdoor market; passive recreational use; personal service establishment; public park; private school, academic; private school, commercial; public building; public school; radio or television broadcasting office and studio; recreation and entertainment use; restaurant; retail shopping establishment; social service use; valet parking; and veterinary/animal hospital
--	--	--	--	--	--

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

6-603 – Uses.

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

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

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

6-702 – Uses.

(B) *Upper floor uses.*

(2) *Special uses.*

(b) ~~Reserved Apartment hotel.~~

6-704 – Auxiliary dwellings.

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

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

~~6-801 Reserved.~~

~~6-802 Reserved.~~

~~6-803 Reserved.~~

~~6-804 Reserved.~~

~~6-805 Reserved.~~

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

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

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

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

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

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

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

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

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

~~6-807—Section controlling.~~

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

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

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

ARTICLE VII – SUPPLEMENTAL ZONE REGULATIONS

7-202 – Permitted obstructions.

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

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

Sec. 7-2500 – Private garages.

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

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

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

(B) Standards.

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

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

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

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

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

8-200 - General parking regulations.

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

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

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

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

- (A) *Amendments authorized.*

- (2) *Minor amendment.* ~~Where an application proposes a change to a city council approved special use permit which constitutes no more than a minimal enlargement or extension, The director may administratively approve the changes to an approved special use permit if after determining that:~~

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

~~outdoor; The changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;~~

~~(b) The proposal will not change the character of the use or increase its overall intensity, including, without limitation:~~

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

~~(b.1)(ii) The proposal complies with proposed change is no greater than what is allowed under the standards for administrative approval for the same use under section 11-513;~~

~~(c) There have been no substantiated violations of the special use permit conditions within the last five years; and~~

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

11-513 – Administrative special use permit.

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

(C) General standards for all administrative uses:

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

~~(14) The director of planning and zoning shall review the special use permit one year after it has been operational ~~for one year, and then again every three years for compliance with all conditions and may shall~~ docket the matter for consideration by the planning commission and city council if ~~(a)~~ there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; ~~or (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions;~~ or ~~(c)~~ the director has determined that new or revised conditions are needed to offset land use impacts not addressed in the City Code ~~there are problems with the operation of the use and that new or revised conditions are needed.~~~~

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

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