



***Text Amendment #2026-00001***  
***Commercial Uses Updates***

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<b>Issue:</b> Commercial Uses Updates	Planning Commission Hearing:	April 7, 2026
	City Council Hearing:	April 18, 2026
<p><b>Description:</b> (A) Initiation of a Zoning Text Amendment; and (B) Public Hearing and consideration of text amendments to Articles II, IV, V, VI, VII, and XI of the Zoning Ordinance to (1) amend and add definitions related to accessory live entertainment, limited live entertainment, and recreation and entertainment uses; (2) allow outdoor health and athletic clubs or fitness studios as a permitted use subject to use limitations; (3) allow live entertainment as a permitted use subject to use limitations; (4) amend restaurant use limitations; (5) allow temporary trailers for compulsory public and private academic schools as a permitted use; and (6) amend section 4-702 to add day care as a permitted use.</p>		
<p><b>Staff recommendation:</b> Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.</p>		
<p><b>Staff:</b>          Paul Stoddard, Director, Department of Planning &amp; Zoning          Tony LaColla, AICP, Division Chief, Land Use Services          Sam Shelby, Principal Planner, Land Use Services          Lanning Blaser, Urban Planner II, Land Use Services</p>		
<p><b><u>PLANNING COMMISSION ACTION, APRIL 7, 2026:</u></b>          On a motion by Commissioner Manor, seconded by Commissioner Lennihan, the Planning Commission voted to close the Public Hearing. The motion carried on a vote of 7-0.           On a motion by Vice Chair Koenig, seconded by Commissioner Manor, the Planning Commission voted to initiate Zoning Text Amendment #2026-00001. The motion carried on a vote of 7-0.           On a motion by Vice Chair Koenig, seconded by Commissioner Manor, the Planning Commission voted to recommend approval of Zoning Text Amendment 2026-00001 as amended. The motion carried on a vote of 7-0. As part of the motion, the Planning Commission recommended a text change to Sec. 7-1901(1) to remove the word “new” so that an operator shall provide training to all employees, not only new employees.</p>		
<p><b><u>Discussion:</u></b>          Planning Commission members were supportive of the proposed text amendments and expressed thanks to staff for thoughtfully thinking through ways to reduce regulatory review while continuing to protect neighbors from potential negatives impacts. Commissioners felt the proposed one-year staff review of the text amendments would be helpful to understand if additional amendments would be needed to adjust regulations.           Chair McMahon asked staff to clarify enforcement actions if a business without an SUP continues to violate use limitations after a control plan is agreed upon. Staff indicated the city may issue additional civil penalties, file for injunctive relief, or seek a court ordered abatement.</p>		

Commissioner Dube requested staff consider time limits for temporary trailers on public and school sites as part of a future Zoning Text Amendment update, similar to existing time limits that exist for temporary trailers at commercial uses.

## I. SUMMARY

The Department of Planning & Zoning proposes Zoning Ordinance text amendments to:

- Amend definitions in Article II related to live entertainment and recreation and entertainment uses.
- Amend Articles IV, V, VI to allow outdoor health and athletic club and fitness studio and indoor live entertainment uses subject to use limitations.
- Amend Article VII to create operating requirements for all uses subject to Section 7-1900, create use limitations for outdoor health and athletic club or fitness studio and indoor live entertainment and amend restaurant use limitations.
- Amend Article VII to permit temporary trailers at compulsory public and private academic schools.
- Amend section 4-702 to add day care as a permitted use in the CR/Community Regional zone which was inadvertently deleted during a prior update.

## II. BACKGROUND

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.

During the December 13, 2025, City Council public hearing and approval of *Zoning Text Amendment #2025-00007 – Commercial Use Updates*, Council removed proposed amendments to indoor live entertainment, outdoor health and athletic clubs or fitness studios, and temporary trailers at public and private academic schools and requested staff consider ways to minimize the regulatory process and discretionary review while balancing neighborhood impacts. This smaller package of proposed text amendments addresses those requests.

### Public Engagement

The community has been informed of this smaller package of proposed commercial uses text amendments through presentations as noted:

Type of Outreach	Date
Bi-monthly P&Z Virtual Community Update	January 8 and March 17
Neighborhood Federation	February 18
NAIOP (22 participants)	February 19

### III. DISCUSSION OF PROPOSED TEXT CHANGES

Staff propose amendments to **Articles II, IV, V, VI, and VII** of the Zoning Ordinance, which are attached.

#### **Amended Definitions**

***Live entertainment, accessory.*** Live entertainment at a commercial use including DJs; musical performances; theatrical or dance productions; comedy; spoken word; karaoke; trivia nights; and similar activities that are subordinate to a principal use, where such entertainment does not occur for more than thirty (30) percent of the total hours of operation in any calendar week and is not the primary attraction. Event advertising and admission fee or a cover charge may be associated with accessory live entertainment.

***Live entertainment, limited.*** Accessory live entertainment clearly subordinate to the principal commercial use and limited to background entertainment or ambient music only, such that the entertainment does not become the focus of patron activity and does not require an admission fee or cover charge.

***Recreation and entertainment use.*** A non residential principal use primarily intended to provide facilities, programming, or services for public participation in or observation of leisure, cultural, artistic, athletic, sporting, gaming, or performance-related activities by a live audience, conducted indoors or outdoors and amplified or unamplified. Event advertising and admission fees or a cover charge may be associated with recreation and entertainment uses. These uses includes facilities operated for public assembly including spectator events, live entertainment, and organized recreational activities. For purposes of this definition:

A. Recreation uses are primarily devoted to active or participatory leisure or athletic activities and include, but are not limited to athletic sports, games of skill, hobbies, and leisure activities, and include technology enhanced, family and youth, and outdoor or nature-based recreation and similar recreation activities and facilities. Recreation uses in this definition are other than those listed in section 2-129.1 for congregate recreational facilities. Recreation uses include, but are not limited to:

- Amusement parks
- Athletic fields;
- Billiards hall;
- Bowling alleys;
- Children’s play areas;
- Court game facilities;
- Craft and maker spaces (non-industrial);
- Dog play areas;
- Game rooms;
- Golf courses, miniature or otherwise, and driving ranges;
- Gymnastics and cheer training facilities;

- Indoor climbing and bouldering;
- Indoor playgrounds/trampoline parks;
- Kayaking and paddleboarding;
- Skating rinks;
- Swimming pools and aquatic facilities; and
- Video arcades and virtual reality gaming.

**B.** Entertainment uses are primarily designed and operated for the presentation of spectator-oriented or live entertainment activities including professional or amateur sporting events and live artistic, cultural, or expressive content including DJs; musical performances; theatrical or dance productions; comedy; spoken word; karaoke; and similar activities. Entertainment uses include, but are not limited to:

- Civic Centers;
- Comedy clubs;
- Concert halls;
- Convention centers/halls;
- Movie theaters;
- Music venues;
- Nightclubs and dance clubs;
- Performing arts centers;
- Playhouses;
- Recital halls;
- Sports arenas and stadiums; and
- Theaters.

*Findings*

The proposed amended definitions clarify the difference between entertainment related uses and expand the types of activities or uses typically associated with each definition. A summary of the definitions is included in the table below.

<b>Definition</b>	<b>Summary of Definition</b>
Limited Live Entertainment	Background or ambient music only; no time limit
Accessory Live Entertainment	Entertainment accessory to a primary use; up to 30% of the total weekly operating hours may have live entertainment
Recreation and Entertainment Use	Entertainment as the primary use; no limit on the percentage of total operating hours that may have live entertainment

**Establishment of Use Limitations**

As part of this update, staff propose renaming Section 7-1900, “Supplemental Zone Regulations - Restaurant Use Limitations,” to “Use Limitations” to reflect the section’s potential broader application to multiple use types. Over time, there may be other opportunities to move certain Special Use Permit (SUP) uses to permitted uses subject to use limitations. This new approach aims to:

- Improve predictability for applicants and residents.
- Reduce regulatory barriers and administrative burden.
- Create uniform, simple, and enforceable requirements.
- Protect neighborhoods from biggest impacts.
- Focus SUP review on high-impact operations.
- Advance economic, cultural, and community health.

The city’s first use-specific limitations, outside of “home occupations,” were adopted on December 13, 2025, when the Zoning Ordinance was amended to permit restaurants by-right, subject to use limitations. Staff propose extending this framework by permitting outdoor health and athletic clubs or fitness studios and indoor accessory live entertainment, subject to newly developed use limitations, thereby expanding the scope and purpose of Section 7-1900.

The use limitations included in this text amendment are based on conditions commonly found in Special Use Permits, staff experience regulating various business types, and recognized national best practices.

General Limitations

Staff propose creating the following standard “general limitations” as part of section 7-1900 which would be applicable to any use included under section 7-1900 - Use limitations.

No.	General Limitation	Purpose
1	Require <b>employee training</b> and <b>post use limitations</b> .	Ensures staff understand use limitations and have access to those limitations.
2	Designate a <b>neighborhood liaison</b> to provide a clear point of contact for nearby residents and businesses.	Resolves concerns informally before enforcement action by the city is necessary.
3	Require a written control plan <b>after three or more civil violations of the same use limitation</b> within a twelve-month period.	Achieves compliance where use limitations have been violated repeatedly.

**Outdoor Health and Athletic Clubs or Fitness Studios**

Staff recommend permitting outdoor health and athletic clubs or fitness studios in conjunction with an abutting indoor health and athletic club or fitness studio use in all Commercial, Office, Industrial, Mixed-Use, and Special zones, subject to use limitations. Operators that wish to deviate from one or more applicable use limitations would have the ability to apply for approval through a Special Use Permit (SUP). All outdoor activities would be required to comply with the city’s noise ordinance.

Purpose

Allowing outdoor health and athletic club or fitness studios in conjunction with indoor operations and subject to use limitations, supports small businesses, increases utilization of underused outdoor areas, and promotes health equity, while avoiding the administrative burden of discretionary approvals.

Proposed Health and Athletic Club Use Limitations

Staff recommend the following use limitations be added to *Section 7-1900* to ensure compatibility with surrounding uses.

No.	Use Limitation	Purpose
1	Limit outdoor activity to <b>7:00 a.m. and 11:00 p.m., Monday through Friday, and 9:00 a.m. and 11:00 p.m., Saturday and Sunday.</b>	Balances business flexibility with neighborhood expectations for quiet during early morning and late-night periods. Differentiated weekday and weekend hours reflect typical residential sensitivity patterns.
2	Limit outdoor fitness activities to <b>rear yards, side yards, rooftops, or enclosed courtyards.</b>	Directs activity away from street frontages, minimizes noise transmission, and reduces pedestrian conflicts while preserving active street character.
3	<b>Solid fencing or walls</b> supplemented by landscaping <b>when abutting residential properties where practicable.</b>	Provides separation from residential properties to mitigate noise and visual impacts.
4	Require <b>lighting in outdoor fitness areas to be turned off by 11:00 p.m.</b>	Prevents light spillover into adjacent properties and reinforces the limited-hours nature of outdoor activities.
5	Limit to <b>one outdoor class</b> at a time.	Ensures the use remains accessory in scale and prevents cumulative noise impacts.
6	Require the <b>use of a house sound system</b> for outdoor music.	Addresses potential noise complaints by using one system, with one controller, and one responsible party. Music must comply with the noise ordinance.
7	<b>Prohibit amplified voices, whistles, and horns.</b>	Restriction due to difficult measurement and enforcement of noise generated by amplified human voices and noise making devices.

Findings

Staff believe the proposed amendments achieve an appropriate balance between supporting a healthy and active community, reducing regulatory barriers for local businesses, and protecting neighborhood livability. The recommended framework provides simple and enforceable standards.

## **Indoor Live Entertainment**

Like Alexandria, staff found nearly all Virginia jurisdictions require conditional or special use permit approval for any form of live entertainment offered as a primary or accessory use. A small number do permit live entertainment by-right for spaces accommodating between 25 and 75 occupants. Charlottesville, however, permits live entertainment as a primary or accessory use by-right in nearly all commercial, mixed-use, industrial, and special zoning districts regardless of size, except for lower density commercial/mixed-use zones where a special use permit is required for live entertainment in spaces over 4,000 sq. ft. Four thousand square feet is generally considered a medium-sized full-service restaurant with 130-160 seats or a medium-sized bar with approximately 265 occupants.

Currently, Alexandria requires any use with live entertainment as a primary or accessory use to obtain special use permit approval. Following Charlottesville's lead, staff recommend permitting indoor live entertainment, subject to use limitations, in all Commercial, Office, Industrial, Mixed-Use, and Special zones. The proposed use limitations are intended to mitigate public space impacts. Additional use limitations would apply for mixed-use buildings where residential might directly abut commercial uses. Operators that would like to deviate from one or more applicable use limitations would have the ability to apply for Special Use Permit approval.

All indoor live entertainment activities would still be required to comply with the city's noise ordinance. Outdoor live entertainment would still require special use permit approval by City Council and comply with the noise ordinance.

### *Purpose*

Permitting indoor live entertainment would reduce regulatory barriers for businesses such as music venues, restaurants and bars, banquet halls, art galleries, etc. seeking to offer occasional or regular entertainment such as DJs; musical performances; theatrical or dance productions; comedy; spoken word; karaoke; trivia nights; and similar activities. This approach supports local businesses and performing artists without the need for unnecessary discretionary review while maintaining SUP review in cases where operating outside of established use limitations could produce impacts.

### *Proposed Live Entertainment Use Limitations*

Staff recommend the following indoor live entertainment use limitations be added to *Section 7-1900* to ensure compatibility with surrounding uses, particularly in mixed-use buildings and adjacent to residential areas. The following use limitations would apply to all forms of indoor live entertainment including limited live entertainment, accessory live entertainment, and recreation and entertainment activities.

No.	Use Limitation	Purpose
1	Live performances permitted <b>9:00 a.m. and 11:00 p.m., Sunday through Thursday, and 9:00 a.m. and 2:00 a.m., Friday and Saturday.</b>	Provides flexibility for businesses with potential neighborhood impacts during late-night and early-morning periods. Differentiated weekday and weekend hours reflect typical residential sensitivity patterns.
2	Require <b>patron queuing and waiting areas on-site</b> to the maximum extent practicable and ensure patrons do not block sidewalks, entrances, driveways, or other public accessways.	Manages waiting and queuing to prevent obstruction of sidewalks, entrances, and driveways and protect pedestrian circulation, accessibility, and public safety.
3	Require <b>orderly patron dispersal.</b>	Manages post-performance dispersal to reduce late-night patron noise, congestion in adjacent public rights-of-ways and prolonged loitering.
4	Require <b>exterior doors and windows to remain closed</b> during performances so that amplified sound is contained within the building.	Addresses the primary impact associated with indoor live entertainment and dovetails with the noise ordinance to avoid subjective determinations.
5	<b>Within a mixed-use building:</b> a. Limit live entertainment from <b>9 a.m. to 11 p.m.</b> b. Require amplified sound shall be played through <b>a house sound system.</b> c. Require <b>sound attenuating construction.</b>	Ensures consistent volume management, reduces low-frequency transmission, and protects abutting commercial and residential uses from amplified sound. One system, one controller, one responsible party.

Findings

The proposed amendments reflect a new approach to regulation and support economic development and cultural opportunities. Live entertainment is a routine and desirable component of thriving commercial and mixed-use areas and staff believe the proposed amendments strike an appropriate balance between reducing regulatory barriers for local businesses, supporting performing artists, and protecting neighborhood livability. The proposed use limitations provide simple and enforceable standards based on previous live entertainment special use permits and national best practices, while reserving discretionary review for spaces which choose to operate outside of the use limitations.

**Restaurants**

Staff recommend amending the following restaurant use limitations in Section 7-1900 to ensure consistency with other proposed amendments and compatibility with surrounding uses.

No.	Use Limitation	Purpose
A	<b>Employee training</b> - Moved to “General limitations.”	
3	Permit limited live entertainment and accessory live entertainment and require operators <b>comply with live entertainment use limitations.</b>	Reduce impacts on nearby or abutting properties.

### Temporary Trailers for Public and Private Schools

As part of a previous package of commercial uses zoning text amendments, temporary trailers were permitted on ACPS and city owned property without a Special Use Permit. As per City Council’s request, staff propose an update to Article VII, Sec. 7-1100 - Parking trailers and recreational vehicles, to permit temporary trailers on compulsory (K-12) private academic schools sites provided they are used for education-related activities wherever private schools are otherwise permitted in a zoning district. This amendment provides equal treatment for public and private schools, recognizing that both serve comparable educational functions and experience similar short-term space needs related to enrollment changes, programmatic adjustments, or construction activities.

Staff find this amendment appropriate given temporary trailers for academic uses are accessory in nature, limited in duration, and do not materially alter the character of a school’s use. The amendment provides operational flexibility to K-12 educational facilities, and avoids unnecessary discretionary review where impacts are already understood and manageable under existing zoning, building, and safety regulations.

### Day Care in CR/Community Regional Zone

Zoning Text Amendment #2025-00007 - Commercial Uses Update inadvertently deleted “day care” as a permitted use in the CR zone. Staff propose a minor text amendment to “Section 4-702 - Permitted uses” to correct the error.

## IV. STAFF RECOMMENDATION

The proposed zoning text amendments not only seek to modernize regulations for outdoor health and athletic clubs or fitness studios and indoor live entertainment, but they also represent a new regulatory approach for the city of Alexandria. By shifting certain special uses to permitted uses, subject to clear and enforceable use limitations, discretionary reviews can be reduced with special use permit approval reserved for operations with greater impacts, thus eliminating unnecessary regulatory barriers for businesses while still providing protections for neighborhoods.

These amendments strike an appropriate balance between supporting local economic vitality, promoting recreational and cultural opportunities, ensuring equitable treatment, and safeguarding neighborhood livability.

Given this new approach, staff would recommend a review of the proposed use limitations one year after adoption via a memo to City Council. Based on real world implementation, staff may recommend amending use limitations or proposing additional text amendments to address common complaints and community concerns.

Staff recommend **initiation and approval** of the proposed text amendments.

**Staff:** Paul Stoddard, Planning Director  
Tony LaColla, AICP, Division Chief, Land Use + Preservation  
Sam Shelby, Principal Planner, Land Use + Preservation  
Lanning Blaser, Urban Planner II, Land Use + Preservation

# ZONING TEXT AMENDMENT #2026-00001

## TEXT LANGUAGE

### ARTICLE II. – DEFINITIONS

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#### 2.164.1 - Live entertainment, accessory.

~~Live Entertainment as the primary attraction at a commercial use~~ including DJs; musical performances; theatrical or dance productions; comedy; spoken word; karaoke; trivia nights; and similar activities that are subordinate to a principal use, where such entertainment does not occur for more than thirty (30) percent of the total hours of operation in any calendar week and is not the primary attraction. Event advertising and admission fees or a cover fee charge may be ~~are~~ frequently associated with accessory live entertainment.

#### 2.164.2- ~~Limited live entertainment, limited.~~

~~Accessory live Entertainment as clearly subordinate to the principal commercial use; and limited to Bbackground entertainment or ambient music only, such that the entertainment does not become the focus of patron activity and that does not require an admission fee or cover fee are associated with limited live entertainment charge.~~

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#### 2-188.1 - Recreation and entertainment use.

~~Commercial uses for indoor or outdoor participation in or observation of games, arts, culture, recreation or similar activities. Recreation uses in this definition are other than those listed in section 2-129.1 for congregate recreational facilities. Recreation and entertainment uses include but are not limited to: A nonresidential principal use primarily intended to provide facilities, programming, or services for public participation in or observation of leisure, cultural, artistic, athletic, sporting, gaming, or performance-related activities by a live audience, conducted indoors or outdoors and amplified or unamplified. Event advertising and admission fees or a cover charge may be associated with recreation and entertainment uses. These uses include facilities operated for public assembly including spectator events, live entertainment, and organized recreational activities. For purposes of this definition:~~

- a. Recreation uses are primarily devoted to active or participatory leisure or athletic activities and include, but are not limited to, athletic sports, games of skill, hobbies, and leisure activities, and include technology enhanced, family and youth, and outdoor or nature-based recreation and similar recreation activities and facilities. Recreation uses in this definition are other than those listed in section 2-129.1 for congregate recreational facilities. Recreation and entertainment uses include, but are not limited to:

- Amusement parks,
- Athletic fields,
- Billiards hall,

- Bowling alleys,
- Children’s play areas,
- Court game facilities,
- Craft and maker spaces (non-industrial).
- Dog play areas,
- Game rooms,
- Golf courses, miniature or otherwise, and driving ranges,
- Gymnastics and cheer training facilities.
- Indoor climbing and bouldering.
- Indoor playgrounds/trampoline parks.
- Kayaking and paddleboarding.
- Skating rinks,
- Swimming pools and aquatic facilities, and
- Video arcades and virtual reality gaming.

**b.** Entertainment uses that are primarily designed and operated for the presentation of spectator-oriented or live entertainment activities including professional or amateur sporting events and live artistic, cultural, or expressive content including DJs; musical performances; theatrical or dance productions; comedy; spoken word; karaoke; and similar activities. Entertainment uses include, but are not limited to:

- Civic centers,
- Comedy clubs,
- Concert halls,
- Convention centers or halls,
- Movie theaters,
- Music venues,
- Nightclubs and dance clubs,
- Performing arts centers,
- Playhouses,
- Recital halls,
- Sports arenas and stadiums, and
- Theaters.

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## **ARTICLE II. – RESIDENTIAL ZONE REGULATIONS**

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### **Sec. 3-1401 – RMF/Residential multi-unit zone**

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#### **3-1402 - Permitted uses.**

The following uses are permitted in the RMF zone:

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

(8) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(9) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(9~~10~~) Medical care facility;

(4~~0~~11) Outdoor dining located on private property;

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### **3-1403 – Special uses.**

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(C) Any use permitted in this zone and subject to section 7-1900 and which deviates from any applicable use limitations.

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## **ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL ZONES**

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

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#### **4-102 - Permitted uses.**

The following uses are permitted in the CL zone:

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(F.1) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

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(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(G.1~~2~~) Motor vehicle parking or storage for 20 vehicles or fewer;

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

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(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(J.2) Restaurant pursuant to section 7-190~~04~~;

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#### **4-103 - Special uses.**

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

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(A.1) ~~Any use with live entertainment~~ permitted in this zone and subject to section 7-1900 and which deviates from any applicable use limitations.

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

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#### **4-202 - Permitted uses.**

The following uses are permitted in the CC zone:

\*\*\*

(F.1) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

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

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

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(I.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(I.2) Restaurant, pursuant to section 7-1900~~4~~;

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#### **4-203 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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(I) ~~Live entertainment, with any use~~Reserved.

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

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#### **4-302 - Permitted uses.**

The following uses are permitted in the CSL zone:

\*\*\*

(F.1) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

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(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

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

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

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(I.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

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(J.1) Restaurant, pursuant to section 7-1900~~4~~;

#### **4-303 - Special uses.**

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

\*\*\*

(A.1) Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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~~(N) Live entertainment, with any use~~ Reserved.

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

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##### **4-402 - Permitted uses.**

The following uses are permitted in the CG zone:

\*\*\*

(E.3) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(E.4) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

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(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(J.2) Restaurant, pursuant to section ~~7-19004~~;

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##### **4-403 - Special uses.**

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

\*\*\*

~~(A) Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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

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#### **Sec. 4-500 CD/Commercial downtown zone.**

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##### **4-502 - Permitted uses.**

The following uses are permitted in the CD zone:

\*\*\*

(G.1) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

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(H.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

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

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

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(L.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(L.2) Restaurant, pursuant to section ~~7-19004~~;

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**4-503 - Special uses.**

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

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(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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(M) ~~Live entertainment, with any use~~ Reserved.

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

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**4-602 - Permitted uses.**

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

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(E.1) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

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(F.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(F.1~~2~~) Motor vehicle parking or storage for 20 vehicles or fewer;

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

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(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

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(K.1) Restaurant, pursuant to section 7-1900~~4~~;

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**4-603 - Special uses.**

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(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

(K) ~~Live entertainment, with any use~~ Reserved;

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

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**4-702 - Permitted uses.**

The following uses are permitted in the CR zone:

(A.1) ~~Recreation and entertainment use, indoor and outdoor~~ Day care center;

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(B) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(B.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

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(E.7) Recreation and entertainment use, indoor pursuant to section 7-1903 and outdoor;

(F) Restaurant, pursuant to section 7-19004;

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#### **4-703 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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(C) ~~Live entertainment, with any use~~ Reserved;

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

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#### **4-802 - Permitted uses.**

The following uses are permitted in the OC zone:

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(E.4) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

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(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(G.~~1~~2) Motor vehicle parking or storage for 20 vehicles or fewer;

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

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(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

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(K.1) Restaurant, pursuant to section 7-19004;

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#### **4-803 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

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(O) ~~Live entertainment, with any use~~ Reserved;

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

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**4-902 - Permitted uses.**

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

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(E.4) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(G.1~~2~~) Motor vehicle parking or storage for 20 vehicles or fewer;

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

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(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

\*\*\*

(K.1) Restaurant, pursuant to section 7-1900~~4~~;

\*\*\*

**4-903 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

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

\*\*\*

**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.4) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(G.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(G.1~~2~~) Motor vehicle parking or storage for 20 vehicles or fewer;

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

\*\*\*

(J.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

\*\*\*

(K.1) Restaurant, pursuant to section 7-1900~~4~~;

\*\*\*

**4-1003 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

(Q) ~~Live entertainment, with any use~~ Reserved;

\*\*\*

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

\*\*\*

**4-1102 - Permitted uses.**

The following uses are permitted in the OCH zone:

\*\*\*

(E.4) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(F.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(L.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(L.2) Restaurant, pursuant to section 7-19004;

\*\*\*

**4-1103 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

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

\*\*\*

**Sec. 4-1200 - I/Industrial zone.**

\*\*\*

**4-1202 - Permitted uses.**

The following uses are permitted in the I zone:

\*\*\*

(L) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(N.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(U.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

\*\*\*

(V.1) Restaurant, pursuant to section 7-19004;

\*\*\*

#### **4-1203 - Special uses.**

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

\*\*\*

(A) Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

(A.1) Asphalt plant;

\*\*\*

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

\*\*\*

#### **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:

\*\*\*

(7) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(8) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

\*\*\*

(4) Restaurants, pursuant to section 7-19004;

\*\*\*

(11) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

(~~11~~12) Public building.

\*\*\*

#### **4-1404 - Special uses.**

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

\*\*\*

(A) ~~Reserved~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

(H) ~~Live entertainment, with any use~~Reserved;

\*\*\*

## 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.3) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(C.4) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(G.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(G.2) Restaurant ~~located~~, pursuant to section 7-19004;

\*\*\*

#### 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:

(A) ~~Any use with live entertainment permitted in this zone and subject to use limitations~~ under section 7-1900 which deviates from one or more use limitations;

\*\*\*

### 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.3) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(C.4) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(G.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(G.2) Restaurant, pursuant to section 7-19004;

\*\*\*

#### 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:

(A) ~~Any use with live entertainment permitted in this zone and subject to use limitations~~ under section 7-1900 which deviates from one or more applicable use limitations;

\*\*\*

**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.3) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(C.4) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(G.1) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(G.2) Restaurant, pursuant to section 7-19004;

\*\*\*

**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:

(A) ~~Any use with live entertainment permitted in this zone and subject to use limitations~~ under section 7-1900 which deviates from one or more applicable use limitations;

\*\*\*

**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:

\*\*\*

(K) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(L.1) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(U) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(V) Restaurant, pursuant to section 7-19004;

\*\*\*

**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:

\*\*\*

(B) ~~Any use with live entertainment permitted in this zone and subject to use limitations~~ under section 7-1900 which exceeds or deviates from one or more applicable operating requirements or use limitations;

\*\*\*

**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, as a principal or accessory use, pursuant to section 7-1903;

~~(C.12)~~ Place of worship;

~~(C.23)~~ Personal service establishment, pursuant to section 5-509;

~~(C.34)~~ Private school, commercial, pursuant to section 5-509;

\*\*\*

(J) Health and athletic club or fitness studio, indoor and outdoor pursuant to section 7-1902;

(K) Restaurant, pursuant to section ~~7-19004~~;

\*\*\*

**5-503 - Special uses.**

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

\*\*\*

~~(A) Reserved.~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

~~(E) Live entertainment, with any use~~ Reserved;

\*\*\*

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

\*\*\*

(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

\*\*\*

(10) Recreation and entertainment use, indoor, pursuant to section 7-1903;

(11) Restaurant, subject to section ~~7-19004~~;

\*\*\*

(14) Live entertainment, as a principal or accessory use, pursuant to section 7-1903.

\*\*\*

(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:

(1) ~~Any use with live entertainment;~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

## ARTICLE VI. - SPECIAL AND OVERLAY ZONES

\*\*\*

### 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:

\*\*\*

(3) Recreation and entertainment use, indoor, pursuant to section 7-1903.

\*\*\*

(9) Live entertainment, as a principal or accessory use, pursuant to section 7-1903.

\*\*\*

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

\*\*\*

#### 6-702 - Uses.

\*\*\*

(A) *Ground floor uses.*

(1) *Permitted uses:*

\*\*\*

(b.2) Live entertainment, as a principal or accessory use, pursuant to section 7-1903;

\*\*\*

(d.2) Recreation and entertainment use, indoor, with frontage of less than 30 feet along King Street, pursuant to section 7-1903;

\*\*\*

(2) *Special uses:*

\*\*\*

(a) ~~Reserved.~~ Any use permitted in this zone and subject to use limitations under section 7-1900 which deviates from one or more use limitations;

\*\*\*

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

\*\*\*

## ARTICLE VII. - SUPPLEMENTAL ZONE REGULATIONS

\*\*\*

**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:

\*\*\*

(D) Trailers are permitted on city-owned, Alexandria City Public School, or compulsory private school, academic property. ~~Alexandria City Public School~~ Trailers shall be used for school related activities where public and private schools are allowed in a zone.

\*\*\*

**Sec. 7-1900 – ~~Restaurant~~ Use limitations.**

The operating requirements and use limitations set forth in this section shall apply to any use regulated by this section, whether conducted as a principal or accessory use. Any operation that deviates from any use limitation shall require approval of a special use permit pursuant to section 11-500.

**Sec. 7-1901 – General use limitations.**

The following general use limitations shall apply to all uses set forth in this section:

- (1) The operator shall provide training to all new employees and permanently post operating requirements and all applicable use limitations in a prominent location visible to all employees.
- (2) The operator shall designate a neighborhood liaison and provide the liaison's contact information including name, telephone number, and email address to abutting properties. Contact information shall be kept current at all times.
- (3) Upon receipt of three or more civil violations of the same use limitation within a twelve-month period and when provided with written notice by the director, the operator shall submit a control plan within 30 days identifying corrective measures and an implementation schedule. The director may require revisions, impose deadlines, and require monitoring or inspections. Failure to submit a written control plan or comply with an approved control plan shall constitute a violation of this ordinance.

**Sec. 7-1902 – Health and athletic club or fitness studio, outdoor use limitations.**

(A) Outdoor health and athletic club or fitness studio activities shall be permitted in conjunction with an abutting indoor health and athletic club or fitness studio and subject to the use limitations in subsection (B). Any operation that deviates from these limitations shall require approval of a special use permit pursuant to section 11-500.

(B) Outdoor health and athletic club or fitness studio, use limitations.

- (1) Outdoor fitness activities are permitted between 7:00 a.m. and 11:00 p.m. Monday through Friday and 9:00 a.m. and 11:00 p.m. Saturday and Sunday.
- (2) Outdoor fitness areas shall be located in side yards, rear yards, on rooftops, or within enclosed courtyards only.
- (3) Where an outdoor fitness area abuts residential property, solid fencing or walls and a vegetative buffer shall be installed where practicable.
- (4) Lighting in outdoor fitness areas must be turned off by 11:00 p.m., daily.
- (5) Only one outdoor fitness class shall be conducted at any one time.
- (6) All amplified sound shall be played only through a permanently installed house sound system controlled by the operator and equipped with a sound-limiting device or governor.
- (7) Use of voice amplification, whistles, horns, or similar devices is prohibited.

**Sec. 7-1903 – Live entertainment use limitations.**

(A) Live entertainment shall be permitted when conducted entirely indoors, including as a principal, accessory, or limited use, and subject to the use limitations in subsection (B). Any operation that deviates from these limitations shall require approval of a special use permit pursuant to section 11-500.

(B) Live entertainment use limitations.

- (1) Live entertainment is permitted between 9:00 a.m. and 11:00 p.m. Sunday through Thursday and 9:00 a.m. and 2:00 a.m. Friday and Saturday.
- (2) The operator shall manage all patron queuing and waiting areas on-site to the maximum extent practicable and ensure patrons do not block sidewalks, entrances, driveways, or other public accessways.
- (3) Following the conclusion of a live entertainment event, the operator shall take reasonable measures to ensure orderly patron dispersal and to minimize patron noise, congestion, and loitering at entrances or on sidewalks, driveways, or other public accessways.
- (4) All exterior doors and windows shall remain closed during live entertainment performances, except for normal ingress and egress, to ensure amplified sound is contained within the building.
- (5) Within a mixed-use building.
  - a. When residential dwelling units are located above or abutting the live entertainment, the live entertainment shall only be permitted between 9 a.m. and 11 p.m., daily.
  - b. All amplified sound shall be played exclusively through a permanently installed house sound system controlled by the operator and equipped with a sound-limiting device or governor.
  - c. The operator shall install and maintain acoustic attenuation measures sufficient to prevent vibration or audible sound transmission into abutting units.

**Sec. 7-1904 - Restaurant use limitations.**

(A) Restaurants shall be permitted subject to the use limitations in subsection (B). Any operation that deviates from these limitations shall require approval of a special use permit pursuant to section 11-500.

(B) Restaurant use limitations.

~~(A) The restaurant operator shall conduct employee training sessions on an ongoing basis to advise employees of these use limitations.~~

~~(B1)~~ No food, beverages, or other materials shall be stored outside, with the exception of materials otherwise specified in ~~this~~ section 7-1900.

~~(C2)~~ Delivery vehicles operated and managed by the restaurant operator are permitted. Delivery vehicles must park off-street when not delivering.

~~(D3)~~ Indoor limited live entertainment and accessory live entertainment, pursuant to the use limitations of section 7-1903 ~~the zone~~, are allowed.

~~(E4)~~ Chemicals, detergents, and cleaners stored outside the building shall be kept in an enclosure with a roof.

~~(F5)~~ 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.

~~(G6)~~ 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.

~~(H7)~~ 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.

~~(I8)~~ 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.

~~(J9)~~ Supply deliveries and loading and unloading activities shall not occur between the hours of 11 p.m. and 7 a.m.

\*\*\*

## Ted Alberon

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**From:** Leanna Saler <leannamorris@yahoo.com>  
**Sent:** Sunday, April 5, 2026 5:21 PM  
**To:** PlanComm  
**Subject:** [EXTERNAL]4/8/2026 Planning Commission Public Hearing

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

You don't often get email from leannamorris@yahoo.com. [Learn why this is important](#)

Dear Planning Commission:

I write in opposition to Docket Item #9, Zoning Text Amendment 2026-00001, Commercial Uses Zoning Regulations. Specifically, I oppose amending the zoning text to allow indoor live entertainment under the newly proposed use limitations for the following reasons:

1). Tight quarters - While the city and city staff cite that a purpose of these is amendments is to, among other things, protect neighborhoods from “impacts (noise),” these proposals actually create an avenue for greater noise impacts by removing the protections afforded to the residents under an SUP. There is no discussion of the fact that a by-right grant of live music until 2 a.m., using amplified systems in highly congested areas, is putting an unfair burden on residents who live nearby. The only staff comment about the hours is that they “reflect typical residential sensitivity patterns.” In what residential neighborhood, which restaurants are now by-right permitted in, are families not sensitive to noise until after 2 a.m.? The statement about sensitivity patterns reflects the knowledge that while a business could be in compliance with the noise ordinance by not exceeding certain decibel levels (but one standard of the noise ordinance that would remain under the new use limitations), it does not mean there is NO audible noise until 2 a.m. preventing the use and enjoyment of ones home.

In Old Town and Del Ray, for example, many of the restaurants are buttressed by residences with nothing more than a fence line or driveway between them, but the greater protections are only afforded to mixed-use buildings. The current noise ordinance passed in 2022 accounts for these tight quarters by restricting all noise to a more “plainly audible” standard from 11pm. to 7a.m. to offer “more protection in residential areas.” The affect of these proposed zoning changes contradicts the intent of the noise ordinance.

2). Livability - The staff report states that “nearly all Virginia jurisdictions require conditional or special use permit approval for any form of live entertainment offered as a primary or accessory use.” They propose, however, following Charlottesville’s “lead” and permit indoor live entertainment by-right, subject to use limitations. We are nothing like Charlottesville, making this a horrible lead-follow situation.

- Charlottesville’s population is approximately 44,000 with a density of 4,288 sq. mi.
- Alexandria’s population is approximately 159,000 with a density of 10,561 sq. mi.

Alexandria is the most densely populated city in the State of Virginia. This density necessitates the city's greater attention to balancing the common interests of businesses and residents, not tipping the scales in favor of commercial businesses greatly outweighing livability— often characterized by affordability, health, safety, attractiveness, and quality of life. While the city's stated desire to “support local economic vitality” is appreciated and necessary, the residents of this city already bear the brunt of taxes, traffic, limited parking, over-priced housing, and yes, noise from our very active and dense region. These use limitation allowances go too far.

3). Ease - The staff report states that another purpose of these amendments is to “reduce regulatory barriers for businesses... seeking to offer occasional or regular entertainment...” The SUP process for entertainment is not burdensome by any stretch of the imagination. It is the same process for allowing outdoor music, which the staff is not (yet) proposing be changed. The advantage to residences by the SUP process is there is notice (predictability), there is a listed contact (communication), and there is a complaint process by which repeated violations can lead to the denial of future SUPs (enforcement). There are little to no protections to the residents under the use limitation structure, which is likely one of the reasons most jurisdictions in the State of Virginia have not followed it.

While I recognize the SUP process means city staff must review the applications, thanks to the efficiency of the Apex system the city uses, the application is standardized, quick, and easy— making this the same, easy process for all businesses.

4). Enforcement - Under the use limitations versus SUP, the city should expect a greater volume of noise complaints. While staff note that the businesses must abide by the noise ordinance, it is reasonable to expect that residences abutting businesses using amplification will hear the sounds after 11 p.m., which is the “quiet time” by the noise ordinance. Without the hiring of additional noise inspectors to work hours in which the businesses are now permitted to tempt the flexibility of the noise ordinance- or in which the neighboring resident does not know if it exceeds the allowed decibel, only that it is disturbing them- it means a greater likelihood of more calls to non-emergency in which a police officer would be the responding official. The staff report does not address the enforcement aspect or impact that the deregulation of live entertainment will have, other than to state that the businesses must comply with the noise ordinance.

I respectfully request that the Planning Commission reject the proposed amendments.

Sincerely,  
Leanna Saler

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