

ORDINANCE NO. 5035

AN ORDINANCE to amend and reordain Article II (Definitions), Article III (residential Zone Regulations), Article IV (Commercial Zone Regulations), Article V(Mixed Use Zones), Article VI (Special and Overlay Zones), Article VII (Supplemental Zone Regulations), Article XI (Development Approvals and Procedures) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2016-0004.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2016-0004, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on June 9, 2016 of a text amendment to the Zoning Ordinance to allow administrative review of Special Use Permits for certain uses requiring a hearing; allow certain uses requiring a Special Use Permit to be permitted by-right; update various use categories and definitions to clarify and identify certain uses; amend the criteria for Minor Amendment and Outdoor Dining administrative review of Special Use Permits; and various technical corrections., which recommendation was approved by the City Council at public hearing on June 18, 2016;

2. The City Council in adopting this ordinance expressly adopts, ratifies, affirms and concurs in the finding and action of the Planning Commission above stated;

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Articles II, III, IV, V, VI, VII, and XI of the Zoning Ordinance be, and the same hereby are, amended by deleting language shown below in strikethrough and adding language shown in underline:

Article II. DEFINITIONS

Section 2-100 Definitions

2-112.1 - Animal Care Facility

A place where common household pets are cared for, such as a grooming, training, and temporary boarding facilities, veterinary/ animal hospitals, but not including businesses that meet the definition of animal shelter.

2-112.2 - Animal Shelter.

Any place designated to provide for the temporary accommodation of four or more common household pets which are stray or abandoned by their owners.

2-115 - Automobile repair, general.

Service and repair of motor vehicles including painting, **upholstering, rebuilding, reconditioning,** body and fender work, frame straightening, undercoating, **engine—~~or transmission rebuilding or replacement,~~** tire retreading or recapping, and the like.

2-116 - Automobile repair, light.

Minor Service and repair work ~~to of~~ automobiles or light trucks including tune up, lubrication, alignment, fuel system, brakes, mufflers, **upholstering, engine or transmission including rebuilding or replacement,** and replacement of small items but not to include general **automobile** repair services.

2-127 - Child care home.

A private family home which offers care, protection and supervision to no more than a total of nine children at a time under ~~14~~ **12** years of age during any 24 hour period and then only for part of the 24 hour day.

2-163 – **Reserved. Kennel.**

~~**Any lot or premises on which four or more dogs, more than four months of age, are kept or maintained for any purpose.**~~

2-173 – Manufacturing.

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

~~**Bakery goods, candy, ice cream and other**~~ **Food and beverage** products, but not including the processing of sauerkraut, vinegar and yeast (other than in baked goods or **brewing**), the growing of mushrooms or the rendering of fats and oils;

Furniture, metal and wood;

Ice;

Metal and rubber stamps, stencils, badges, jewelry, toys and novelties;

Musical instruments;

Office equipment;

Photographic equipment, excluding film;

Pottery, figurines and other ceramic products using previously ground or treated minerals and earths;

Professional and scientific instruments;

Small appliances; and

Wood products, excluding products obtained by distillation.

2-183 - 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:

Arts and crafts studios or stores;

Appliance repair and rental;

Banks, savings and loans, and credit unions;
Bicycle repair;
Barbershops and beauty shops;
Contractors' offices, without accessory storage;
Dressmakers and tailors;
Dry-cleaning and laundry pickup stations;
Laundromat;
Locksmiths;
Musical instrument repair;
Optical center;
Pawnshops;
Private school, academic ~~or commercial~~, with a maximum of 20 students on the premises at any one time;
Professional photographer's studios;
Shoe repair;
Furniture upholstering shops;
Watch repair;
Printing and photocopy service;

Personal service establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; or any use separately listed in a zone.

2-191 - Retail shopping establishment.

A store or shop engaged in the sale of commodities or goods to individual consumers for personal use rather than for resale, including but not limited to:

Antique and secondhand articles;
Appliances;
Art galleries, commercial;
Art supplies;
Auto parts without service or installation on premises;
~~Bakeries (limited to a maximum of 3,500 square feet);~~
Books;
Candy;
Clothing, clothing accessories and dry goods;
Department stores;
Drugstores;
Floor coverings;
Florists;
Food and beverage production (limited to a maximum of 3,500 square feet);
Furniture;
Groceries;
Hardware, paint and wallpaper;
Household goods;

Jewelry, leather goods and luggage;
Lawn and garden supplies;
Musical instruments;
Photographic equipment and supplies;
Sporting goods;
Tobacco;
Toys;
Variety goods;
Video rental and sales;

Retail shopping establishments do not include, as either a primary or accessory use, automobile oriented uses; the sale, rental, storage, service or repair of any motor vehicles, including automobiles, trucks, buses, trailers, recreational vehicles and motorcycles; **catering operations**; or any use separately listed in a zone.

2-201.1 - Veterinary/ Animal Hospital.

A type of animal care facility where common household pets are provided with preventative care and/or are treated for illness, injury, or disease, but does not include animal shelters.

2-201.12 - Walkability index.

A City of Alexandria scoring system used to measure the degree to which a person can travel on foot between places to work, live and play. The index considers the presence of neighborhood services, civic and community facilities, retail and community anchors. It also considers the presence of sidewalks and other physical infrastructure which contribute to a safe and pleasant pedestrian experience.

Article III. RESIDENTIAL ZONE REGULATIONS

Division A. Single Family and Two-Family Zones

Section 3-100 R-20/Single-family zone.

3-102.1 - Administrative special uses.

The following uses may be allowed in the R-20 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-102.

Section 3-200 R-12/Single-family zone.

3-202.1 - Administrative special uses.

The following uses may be allowed in the R-12 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-202.

Section 3-300 R-8/Single-family zone.

3-302.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-302.

Section 3-400 R-5/Single-family zone.

3-402.1 - Administrative special uses.

The following uses may be allowed in the R-5 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-402.

Section 3-500 R-2-5/Single-family and two-family zone.

3-502.1 - Administrative special uses.

The following uses may be allowed in the R-2-5 zone with administrative approval pursuant to section 11-513 of this ordinance:

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-502.

Division B. Townhouse and Multifamily Zones

Section 3-600 RA/Multifamily zone.

3-602.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-602.

Section 3-700 RB/Townhouse zone.

3-702.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-702.

Section 3-800 RCX/Medium density apartment zone.

3-802.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-802.

Section 3-900 RC/High density apartment zone.

3-902.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-902.

Section 3-1100 RM/Townhouse zone.

3-1102.1 - Administrative special uses.

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

(A) Day care center within a church or school building;

(B) Child or elder care home, other than pursuant to section 3-1102.

Section 3-1200 RS/ Townhouse zone.

3-1202.1 - Administrative special uses.

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

(A) Child or elder care home, other than pursuant to section 3-1202.

Section 3-1300 RT/ Townhouse zone.

3-1302.1 - Administrative special uses.

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

(A) Child or elder care home, other than pursuant to section 3-1302.

Article IV. COMMERCIAL ZONE REGULATIONS

Section 4-100 CL/Commercial low zone.

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial; ~~Pet supplies, grooming and training, with no overnight accommodation;~~**
- (J) Public school;
- (J.1) Restaurant located within a shopping center;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-102.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; ~~Overnight pet boarding if located in a shopping center;~~**
- (G) Valet parking.

4-103 - Special uses.

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

- (A) Animal care facility with overnight accommodation, other than pursuant to section 4-102.1;**
- (A.1) Bus shelter on private property;**
- (B) Congregate housing facility;
- (C.1) Day labor agency;
- (D) Reserved;
- (E) Fraternal or private club;
- (F) Funeral home;
- (F.1) Health and athletic club, other than pursuant to section 4-102.1(A.1);**

- (G) Home for the elderly;
- (H) Motor vehicle parking or storage for more than 20 vehicles;
- (I) Reserved;
- (J) Nursing or convalescent home or hospice;
- (J.1) Outdoor food and crafts market, other than pursuant to section 4-102.1;
- (J.2) Outdoor garden center, other than pursuant to section 4-102.1;
- ~~(J.3) Overnight pet boarding, other than pursuant to section 4-102.1;~~
- (K) Private school, academic ~~or commercial~~, with more than 20 students on the premises at any one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;
- (M.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (N) Rooming house;
- (O) Social service use.

4-107 - Use limitations.

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

Section 4-200 CC/Commercial community zone.

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- ~~(H.1) Private school, commercial; Pet supplies, grooming and training business with no overnight accommodation;~~
- (I) Public school;
- (I.1) Restaurant located within a shopping center or hotel;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (K) Seminary, convent or monastery;

- (L) Utilities, as permitted by section 7-1200;
- (M) Accessory uses, as permitted by section 7-100.

4-202.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation, if located in a shopping center;

(A.1) Health and athletic club;

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-203 - Special uses.

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

(A) Animal care facility with overnight accommodation, other than pursuant to section 4-202.1;

(A.1) Automobile service station;

- (B) Bus shelter on private property;
- (C) Congregate housing facility;
- (D) Convenience store;
- (E) Reserved;
- (F) Reserved;
- (G) Drive through facility;
- (H) Fraternal or private club;
- (I) Funeral home;

(I.1) Health and athletic club, other than pursuant to section 4-202.1(A.1);

- (J) Home for the elderly;
- (K) Light automobile repair;
- (L) Motor vehicle parking or storage for more than 20 vehicles;
- (M) Reserved;
- (N) Nursing or convalescent home or hospice;
- (N.1) Outdoor food and crafts market, other than pursuant to section 4-202.1;
- (N.2) Outdoor garden center, other than pursuant to section 4-202.1;
- (O) **Reserved; Overnight pet boarding, other than pursuant to section 4-202.1;**
- (P) Private school, academic ~~or commercial~~, with more than 20 students at any one time;
- (Q) Public building;
- (R) Restaurant, other than pursuant to section 4-202(I.1) or 4-202.1;
- (R.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (S) Rooming house;
- (T) Social service use.

4-207 - Use limitations.

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

Section 4-300 CSL/Commercial service low zone.

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Day care center;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I) Public school;
- (J) Retail shopping establishment, up to 20,000 gross square feet;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Seminary, convent or monastery;
- (L) Utilities, as permitted by section 7-1200;
- (M) Accessory uses, as permitted by section 7-100.

4-302.1 - Administrative special uses.

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

- (A) Animal care facility with overnight accommodation, if located in a shopping center;**
- (A.1) Health and athletic club;**
- (A.2) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-303 - Special uses.

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

(A) Animal care facility with overnight accommodation, other than pursuant to 4-302.1;

(A.1) Automobile service station;

(B) Automobile and trailer rental or sales area;

(B.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;

(C) Building materials storage and sales;

(D) Bus shelter on private property;

(E) Catering operation;

(F) Congregate housing facility;

(G) Convenience store;

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

(M) Glass shop;

(M.1) Health and athletic club, other than pursuant to section 4-302.1(A.1);

(N) Home for the elderly;

(O) Laundry, dry cleaning operation;

(O.1) Light assembly, service and crafts;

(P) Light automobile repair;

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

(R) Reserved;

(S) Nursing or convalescent home or hospice;

(S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;

(S.2) Outdoor garden center, other than pursuant to section 4-302.1;

~~(S.3) Overnight pet boarding, other than pursuant to section 4-302.1;~~

(T) Parcel delivery;

(U) Reserved;

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

(W) Public building;

(X) Research and testing laboratory;

(Y) Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;

(Y.1) Retail shopping establishment, larger than 20,000 gross square feet;

(Z) Rooming house;

(AA) Social service use;

(BB) Storage buildings and warehouses, not to include freight distribution centers;

(CC) Wholesale business.

Section 4-400 CG/Commercial general zone.

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (H) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H.1) Private school, commercial; ~~Pet supplies, grooming, training and medical treatment with no overnight accommodation;~~**
- (I) Personal service establishment;
- (J) Public school;
- (J.1) Restaurant located within a shopping center or hotel;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-402.1 - Administrative special uses. The following uses may be allowed in the CG zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1) Restaurant;

(A.2) Health and athletic club, other than pursuant to section 4-402(E.3);

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-403 - Special uses.

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

- (A) Amusement enterprise;
- (B) Animal care facility with overnight accommodation, other than pursuant to section 4-402.1;**
- (B.1) Apartment hotel;**
- (C) Automobile service station;
- (D) Automobile and trailer rental or sales area;

(D.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;

(E) Bus shelter on private property;

(F) Congregate housing facility;

(G) Convenience store, other than pursuant to section 4-402(E.1);

(H) Reserved;

(H.1) Day labor agency;

(I) Reserved;

(J) Drive through facility;

(K) Fraternal or private club;

(L) Funeral home;

(M) Health and athletic club, other than pursuant to section 4-402(E.3) **or 4-402.1(A.2)**;

(N) Home for the elderly;

(O) Hospital;

(P) Hotel;

(Q) Laundry, dry cleaning operation;

(R) Light automobile repair;

(S) Medical care facility;

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

(U) Reserved;

(V) Nursing or convalescent home or hospice;

(V.1) Outdoor food and crafts market, other than pursuant to section 4-402.1;

(V.2) Outdoor garden center, other than pursuant to section 4-402.1;

~~(V.3) Overnight pet boarding, other than pursuant to section 4-402.1;~~

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

(X) Public building;

(Y) Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1;

(Y.1) Retail shopping establishment, larger than 20,000 gross square feet;

(Z) Rooming house;

(AA) Social service use.

Section 4-500 CD/Commercial downtown zone.

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

(A) Single-family dwelling;

(A.1) Two-family dwelling;

(A.2) Townhouse dwelling;

(B) Multifamily dwelling;

(C) Animal care facility with no overnight accommodation

(C.1) Business and professional office;

(D) Cemetery;

(E) Church;

(F) City sponsored farmers' market;

- (F.1)Day care center;
- (G) Medical laboratory;
- (H) Medical office;
- (H.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (I) Personal service establishment;
- (J) **Private school, commercial;** ~~Pet supplies, grooming and training business, with no overnight accommodation;~~
- (K) Public school;
- (L) Radio or TV broadcasting office and studio;
- (L.1)Reserved;
- (M) Retail shopping establishment, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-502.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1)Health and athletic club;

(A.2)Massage establishment;

- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Outdoor dining (beyond the boundaries of the King Street Outdoor Dining Zone);
- (E) **Restaurant; Overnight pet boarding if located in a shopping center;**
- (F) Valet parking.

4-503 - Special uses.

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

- (A) Amusement enterprise;

(A.1)Animal care facility with overnight accommodation, other than pursuant to section 4-502.1;

- (B) Apartment hotel;
- (B.1) **Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bed and breakfast accommodation, as permitted by section 7-400;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Reserved;
- (G.1)Day labor agency;
- (H) Reserved;
- (H.1)Drive through facility, limited to banks, savings and loan institutions and credit unions on Washington Street; provided, that access to the drive through facility is solely provided on the exclusive property of the bank, savings and loan institution or credit union offering the drive through facility;

- (I) Fraternal or private club;
- (J) Funeral home;
- (K) Health and athletic club, **other than pursuant to section 4-502.1(A.1);**
- (L) Home for the elderly;
- (M) Homeless shelter;
- (N) Hospital;
- (O) Hotel;
- (P) Medical care facility;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Newspaper office, including printing and publishing facilities;
- (S) Reserved;
- (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-502.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-502.1;
- ~~(T.3) Overnight pet boarding, other than pursuant to section 4-502.1;~~
- (U) Private school, ~~commercial or~~ academic, with more than 20 students on the premises at any one time;
- (V) Public building;
- (W) Restaurant, **other than pursuant to section 4-502.1;**
- (W.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (X) Rooming house;
- (Y) Social service use;
- (Z) Tourist home;
- (AA) Wholesale business.

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

4-602 - Permitted uses.

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Church;
- (D.1) Day care center;
- (E) Medical laboratory;
- (F) Medical office;
- (F.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (G) Personal service establishment;
- (H) **Private school, commercial;** ~~Pet supplies, grooming and training business, with no overnight accommodation;~~
- (I) Public school;
- (J) Radio or TV broadcasting facility;
- (K) Retail shopping establishment, up to 20,000 gross square feet;

- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-602.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1) Health and athletic club;

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) ~~Overnight pet boarding if located in a shopping center;~~
- (G) Valet parking.

4-603 - Special uses.

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-602.1;

(B) Apartment hotel;

(B.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;

- (C) Bus shelter on private property;
- (D) Catering operation;
- (E) Congregate housing facility;
- (F) Reserved;
- (F.1) Day labor agency;
- (G) Reserved;
- (H) Fraternal or private club;
- (I) Funeral home;
- (J) Health and athletic club, **other than pursuant to section 4-602.1(A.1);**
- (K) Home for the elderly;
- (L) Homeless shelter;
- (M) Hospital;
- (N) Hotel;
- (O) Medical care facility;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Newspaper office, including printing and publishing facilities;
- (Q) Reserved;
- (R) Nursing or convalescent home or hospice;
- (R.1) Outdoor food and crafts market, other than pursuant to section 4-602.1;
- (R.2) Outdoor garden center, other than pursuant to section 4-602.1;

~~(R.3) Overnight pet boarding, other than pursuant to section 4-602.1;~~

- (S) Private school, ~~commercial or~~ academic, with more than 20 students on the premises at any one time;
- (T) Public building;
- (U) Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1;
- (U.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (V) Rooming house;
- (W) Social service use;
- (X) Tourist home;
- (Y) Wholesale business.

Section 4-700 CR/Commercial regional zone.

4-702 - Permitted uses.

The following uses are permitted in the CR zone:

- (A) Amusement enterprise;
- (A.1) Animal care facility with no overnight accommodation;**
- (A.2) Day care center;
- (B) Health and athletic club;
- (C) Light auto repair or drive through facility located in a freestanding building not part of an integrated and connected complex of structures;
- (D) Motor vehicle parking or storage;
- (E) Personal service establishment;
- (E.1) **Reserved; Pets supplies, grooming and training business with no overnight accommodation;**
- (E.2) Private school, commercial;
- (E.3) Public school;
- (F) Restaurant;
- (G) Retail shopping establishment;
- (H) Utilities, as permitted by section 7-1200;
- (I) Accessory uses, as permitted by section 7-100.

4-702.1 - Administrative special uses.

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

- (A) **Reserved; Animal care facility with overnight accommodation if located in a shopping center;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-703 - Special uses.

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

- (A) Automobile service station;
- (A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-702.1;**
- (A.2) Bakery– Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (B) Bus shelter on private property;
- (C) Reserved;
- (D) Reserved;
- (E) Drive through facility;
- (F) Hotel;
- (G) Interstate bus station;
- (H) Light automobile repair;
- (I) Reserved;
- (J) **Reserved;** ~~Overnight pet boarding, other than pursuant to section 4-702.1.~~

4-707 - Use limitations. ~~[Reserved.]~~

All operations shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

Section 4-800 OC/Office commercial zone.

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) **Private school, commercial;** ~~Pet supplies, grooming and training business with no overnight accommodation;~~
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;

- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-802.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1) Health and athletic club;

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-803 - Special uses.

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

- (A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-802.1;

- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) **Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store other than pursuant to section 4-802(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-802(E.3) **or 4-802.1 (A.1);**
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (T) Medical care facility;

- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market other than pursuant to section 4-802.1;
- (W.2) Outdoor garden center other than pursuant to section 4-802.1;
- ~~(W.3) Overnight pet boarding, other than pursuant to section 4-802.1;~~
- (X) Private school, academic or commercial, with more than 20 students on the premises at one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

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

4-902 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- ~~(I) **Private school, commercial; Pet supplies, grooming and training, with no overnight accommodation;**~~
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant located within a shopping center or hotel;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-902.1 - Administrative special uses.

The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1) Health and athletic club;

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking.

4-903 - Special uses.

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

- (A) Amusement enterprise;

(A.1)Animal care facility with overnight accommodation, other than pursuant to section 4-902.1;

- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1)**Bakery Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-902(E.1);
- (H) Reserved;
- (H.1)Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-902(E.3) **or 4-902.1(A.1);**
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1)Outdoor food and crafts market, other than pursuant to section 4-902.1;
- (W.2)Outdoor garden center, other than pursuant to section 4-902.1;
- (W.3)Overnight pet boarding, other than pursuant to section 4-902.1;**

- (X) Private school, academic, ~~or commercial~~ with more than 20 students on the premises at any one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

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

4-1002 - Permitted uses.

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

- (A) Single-family dwelling, except as limited by section 4-1003(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1003(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1003(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1003 (A.1);
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space center or office complex;
- (F) Medical laboratory;
- (G) Medical office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial; ~~Pet supplies, grooming and training business with no overnight accommodation;~~**
- (I.1) Public school;
- (J) Radio or TV broadcasting office and studio;
- (K) Retail shopping establishment, up to 20,000 gross square feet;
- (K.1) Restaurant, located within a shopping center, hotel or industrial or flex space center;
- (L) Seminary, convent or monastery;
- (M) Utilities, as permitted by section 7-1200;
- (N) Accessory uses, as permitted by section 7-100.

4-1002.1 - Administrative special uses.

The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Animal care facility with overnight accommodation if located in a shopping center;**
- (A.1) Health and athletic club;**

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1003 - Special uses.

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

- (A) Amusement enterprise;
- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

(A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1002.1;

- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation, other than pursuant to section 4-1002.1;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-1002(E.1);
- (H) Reserved;
- (H.1) Day labor agency;
- (I) Reserved;
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-1002(E.3) **or 4-1002.1(A.1);**
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair, other than pursuant to section 4-1002.1;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) Reserved;
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-1002.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-1002.1;
- ~~(W.3) Overnight pet boarding, other than pursuant to section 4-1002.1;~~

- (X) Private school, academic, ~~or commercial with more than 20 students on the premises at any one time;~~
- (Y) Public building;
- (Z) Research and testing;
- (AA) Restaurant, other than pursuant to sections 4-1002(K.1) and 4-1002.1;
- (AA.1) Retail shopping establishment, larger than 20,000 gross square feet;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

Section 4-1100 OCH/Office commercial high zone.

4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

- (A) Single-family dwelling, except as limited by section 4-1103(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1103(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1103(A.1);
- (C) Animal care facility with no overnight accommodation;**
- (C.1) Business and professional office;**
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel, industrial or flex space building or office complex;
- (F) Hospital;
- (G) Medical care facility;
- (H) Medical laboratory;
- (I) Medical office;
- (I.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (J) Personal service establishment, on the same lot as office use;
- (K) **Private school, commercial; Pet supplies, grooming and training business with no overnight accommodation;**
- (K.1) Public school;
- (L) Radio or television broadcasting office and studio;
- (L.1) Restaurant located within a shopping center or hotel;
- (M) Retail shopping establishment, on the same lot as office use, up to 20,000 gross square feet;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-1102.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation if located in a shopping center;

(A.1) Health and athletic club;

(A.2) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) **Reserved; Overnight pet boarding if located in a shopping center;**
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1103 - Special uses.

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

(A) Amusement enterprise;

(A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;

(A.2) Animal care facility with overnight accommodation, other than pursuant to section 4-1102.1;

(B) Apartment hotel;

(C) Automobile service station;

(C.1) ~~Bakery~~ **Food and beverage production** exceeding 3,500 square feet, which includes a retail component;

(D) Bus shelter on private property;

(E) Congregate housing facility;

(F) Convenience store, other than pursuant to section 4-1102(E.1);

(G) Reserved;

(H) Reserved;

(H.1) Day labor agency;

(I) Drive through facility;

(J) Fraternal or private club;

(K) Funeral home;

(L) Health and athletic club other than as a permitted or administrative SUP use **pursuant to section 4-1102(E.3) or 4-1102.1(A.1);**

(M) Home for the elderly;

(N) Homeless shelter;

(O) Hotel;

(P) Interstate bus station;

(Q) Light automobile repair;

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

(S) Reserved;

(T) Nursing or convalescent home or hospice;

(T.1) Outdoor food and crafts market, other than pursuant to section 4-1102.1;

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

~~(T.3)Overnight pet boarding, other than pursuant to section 4-1102.1;~~

- (U) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1;
- (X) Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;
- (X.1)Retail shopping establishment, on the same lot as office use, larger than 20,000 gross square feet;
- (Y) Rooming house;
- (Z) Social service use;
- (AA)Wholesale business.

Section 4-1200 I/Industrial zone.

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

- (A)Ambulance service;

(A.1)Animal care facility with overnight accommodation

- (B) Animal shelter ~~or kennel~~;
- (C) Automobile service station;
- (D) Bottling plant;
- (E) Building materials storage and sales;
- (F) Business or professional office;
- (G) Catering operations;
- (H) Drive through facility;
- (I) [Reserved];
- (J) Funeral home;
- (K) Glass shop;
- (L) Health and athletic club;
- (L.1)Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light assembly and crafts;
- (N.1)Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Personal service establishment;
- ~~(S.1)Pet supplies, grooming and training, with no overnight accommodation;~~**
- (T) Printing and publishing facilities;
- (T.1) Private school, commercial;**
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;

- (V.1) Restaurant located within a shopping center or hotel;
- (V.2) Retail shopping establishment, up to 20,000 gross square feet;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100;
- (CC) Public recycling center.

4-1202.1 - Administrative special uses.

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

(A) Automobile and trailer rental or sales area;

(A.1) Restaurant;

(A.2) Day care center;

(B) Massage establishment;

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

(C) Outdoor garden center;

(D) Outdoor food and crafts market;

(E) Outdoor dining;

(F) ~~Reserved; Overnight pet boarding if located in a shopping center;~~

(F.1) Private school, academic or commercial, with more than 20 students on the premises at any one time;

(G) Valet parking.

4-1203 - Special uses.

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

(A) Asphalt plant;

(A.1) Amusement enterprise;

(B) Automobile and trailer rental or sales area, **other than pursuant to section 4-1202.1;**

(C) Business offices other than those listed in section 4-1202(F);

(D) Bus shelter on private property;

(E) Concrete mixing and batching plant;

(F) Convenience store;

(F.1) Day labor agency;

(G) Freight distribution center;

(G.1) Fuel yard;

(H) General automobile repair;

(I) Helistop;

(J) Homeless shelter;

(K) Hospital;

(L) Interstate bus station;

(M) Junkyard;

(N) Medical care facility;

- (O) Motor vehicle parking or storage for more than 20 vehicles, **other than pursuant to section 4-1202.1;**
- (P) Motor vehicle storage yard;
- (P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;
- (P.2) Outdoor garden center, other than pursuant to section 4-1202.1;
- (P.3) Overnight pet boarding, other than pursuant to section 4-1202.1;**
- (Q) Public building;
- (R) Recycling and materials recovery facility;
- (R.1) Restaurant, other than pursuant to section 4-1202(V.1) or 4-1202.1;
- (R.2) Retail shopping establishment, larger than 20,000 gross square feet;
- (S) Stone crushing operation;
- (T) Vehicle towing service and associated impound lot;
- (U) Waste to energy plant;
- (V) Any other use not listed elsewhere in this ordinance.

Section 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.

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

- (1) Retail establishment;
- (2) Personal service establishment, except banks, pawnshops, check cashing, payday loan and title loan businesses;
- (3) Banks, business and professional offices, medical laboratory or offices and laundromats, provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other.
- (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1;
- (5) Day care center;

(6) Private school, commercial, with a maximum of 20 students on the premises at any one time.

(B) Permitted uses above the ground floor:

- (1) Uses listed under section 4-1403;
- (2) Dwelling unit;
- (3) Office;
- (4) Church.

(5) Private school, commercial with more than 20 students on the premises at any one time;

4-1403.1 - Administrative special uses.

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

(A) Animal care facility with overnight accommodation located in a shopping center;

(A.1) Restaurant;

(B) Outdoor garden center;

(C) Outdoor food and crafts market;

(D) **Reserved; Overnight pet boarding located in a shopping center;**

(E) Massage establishment;

(F) Valet parking;

(G) Outdoor dining;

(H) Live theater.

4-1404 - Special uses.

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

(A) Amusement enterprise;

(A.1) Animal care facility with overnight accommodation, other than pursuant to section 4-1403.1;

(B) Banks, business and professional offices, medical laboratories/offices and laundromats on the ground floor, other than pursuant section 4-1403(A);

(C) Convenience store;

(D) Reserved;

(E) **Day nursery; Reserved;**

(F) Fraternal or private club;

(G) Live theater, other than pursuant to section 4-1403.1;

(H) Reserved;

(I) Nursing or convalescent home or hospice;

(J) Outdoor food and crafts market, other than pursuant to section 4-1403.1;

(K) Private school, academic, **with more than 20 students on the premises at one time; or commercial;**

(L) Public building;

(M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1;

(N) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape pattern of contiguous and active retail uses.

4-1407 - Parking.

(B) **Reserved; Existing restaurants may add up to 20 outdoor dining seats with no additional off-street parking requirement;**

Article V. MIXED USE ZONES

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

5-102 - Permitted uses.

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

(A) Single-family dwelling;

(A.1) Two-family dwelling;

- (A.2)Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1)Convenience store within an office complex;
- (C.2)Day care center;
- (C.3)Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1)Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1)Private school, commercial;**
- (F.2)Public school;**
- (G) Radio or television broadcasting office and studio;
- (G.1)Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-102.1 - Administrative special uses.

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

(A) Health and athletic club;

- (A.1)Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-103 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1)~~Bakery~~ **Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-102(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-102(C.3) **or 5-102.1(A);**
- (I) Home for the elderly;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (K.1) Outdoor food and crafts market, other than pursuant to section 5-102.1;

- (K.2) Outdoor garden center, other than pursuant to section 5-102.1;
- (L) Nursing or convalescent home or hospice;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-202 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;**
- (F.2) Public school;**
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-202.1 - Administrative special uses.

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

- (A) Health and athletic club;**
- (A.1) Restaurant;**
- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-203 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) ~~Bakery~~ **Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-202(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-202(C.3) **or 5-202.1(A)**;
- (I) Home for the elderly;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-202.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-202.1;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, ~~not covered in~~ **other than pursuant to** section 5-202(G.1) **or 5-202.1(A.1)**;
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-302 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (F.1) Private school, commercial;**
- (F.2) Public school;**
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment, up to 20,000 gross square feet;
- (I) Utilities, as permitted by section 7-1200;
- (J) Accessory uses, as permitted by section 7-100.

5-302.1 - Administrative special uses.

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

(A) Health and athletic club;

(A.1) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-303 - Special uses.

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

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) ~~Bakery~~ **Food or beverage production** exceeding 3,500 square feet, which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-302(C.1);
- (F) Reserved;
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-302(C.3) **or 5-302.1(A);**
- (I) Home for the elderly;
- (I.1) Homeless shelter;
- (J) Hotel;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-302.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-302.1;
- (M) Private school, academic ~~or commercial~~, with more than 20 students on the premises at one time;
- (N) Restaurant, ~~not covered in~~ **other than pursuant to** section 5-302(G.1) or **5-302.1(A.1);**
- (O) Retail shopping establishment, larger than 20,000 gross square feet;
- (P) Social service use.

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

5-402 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (A.3) Motor vehicle parking or storage for 20 vehicles or fewer;
- (A.4) Day care center;

(A.5) Personal service establishment;

(A.6) Private school, commercial;

(A.7) Public school;

(A.8) Retail shipping establishment, up to 20,000 gross square feet;

- (B) Utilities, subject to section 7-1200;
- (C) Accessary uses, as permitted by section 7-100.

5-402.1 - Administrative special uses.

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

(A) Health and athletic club;

(A.1) Restaurant;

- (B) Massage establishment;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-403 - Special uses.

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

(A) Multifamily dwelling;

(B) Amusement enterprise;

(C) Animal care facility with no overnight accommodation;

(C.1) Apartment hotel;

(C.2) Bakery Food or beverage production exceeding 3,500 square feet, which includes a retail component;

- (D) Business and professional office;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Reserved;
- (I) Fraternal or private club;
- (J) Health and athletic club, **other than pursuant to section 5-402.1(A);**
- (K) Home for the elderly;
- (L) Hotel;
- (M) Medical care facility;
- (N) Medical laboratory;
- (O) Medical office;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Nursing or convalescent home or hospice;
- (P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;
- (P.2) Outdoor garden center, other than pursuant to section 5-402.1;
- (Q) **Reserved; Personal service establishment;**
- (R) **Reserved; Pet supplies, grooming and training, with no overnight accommodations;**

- (S) Private school, academic ~~or commercial~~, **with more than 20 students on the premises at one time;**
- (T) Public building;
- (U) Radio or television broadcasting office and studio;
- (V) Restaurant, other than pursuant to section 5-402.1;
- (W) Retail shopping establishment, **larger than 20,000 gross square feet;**
- (X) Social service use.

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

5-502 - Permitted uses.

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

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Personal service establishment, pursuant to section 5-509;**
- (C.2) Private school, commercial, with a maximum of 20 students on the premises at any one time and pursuant to section 5-509;**
- (D) Public building;
- (E) Public park, athletic field or other outdoor recreation facility;
- (F) Public utility service yard and/or electrical receiving or transforming station, provided the use and/or structure was in existence prior to 1982 and the use has been continued thereafter;
- (F.1) Retail shopping establishment, 10,000 square feet or less in size;**
- (G) Accessory uses, as permitted by section 7-100;
- (H) Uses smaller than 5,000 square feet that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

5-503 - Special uses.

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

- (A) Commercial outdoor recreation facility;
- (B) Commercial shipping and freight terminal;
- (C) Facilities used for docking or berthing of boats or ships, including public or private marinas and/or boat docks with related facilities limited to water and electricity connections;
- (D) Health and athletic club;
- (E) Home for the elderly;
- (F) Nursery school;
- (G) Outdoor food and crafts market;
- (H) **Reserved; Personal service establishment**
- (I) Privately owned public use building such as civic auditorium or performing arts center;
- (J) Restaurant;
- (K) Retail shopping establishment, **other than pursuant to section 5-502(F.1);**
- (L) Reserved;
- (M) Reserved;
- (N) Utilities, as permitted by section 7-1200;

(O) Hotel, consistent with the Development Goals and Guidelines for Development Sites in the Waterfront small area plan;

(P) Uses 5,000 square feet or larger that foster art, history and cultural awareness through increased understanding and training, such as museums, schools and cultural institutions.

Article VI. SPECIAL AND OVERLAY ZONES

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

6-503 - Retail focus areas.

A retail focus area (RFA) is a location at which retail and personal service uses are viewed as vital to the neighborhood. The locations designated as retail focus areas on the zoning maps are subject to the following requirements and regulations.

(A) Retail uses required. One-twelfth of the area of each lot in a retail focus area, multiplied by the allowable floor area ratio for the site, shall be devoted to retail focus uses. The following uses, subject to the permitted and special use regulations of the underlying zone, qualify as retail focus uses:

Retail shopping establishment;

Personal service establishment (excluding contractor's office);

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

Convenience store;

Health and athletic club;

Animal care facility with no overnight accommodation; ~~Pet supplies, grooming and training (no overnight accommodations);~~

Social service use;

Amusement enterprise;

Restaurant;

Hotel or multifamily lobby where use otherwise allowed (requires a special use permit).

Section 6-600 Mount Vernon Avenue urban overlay zone.

6-603 - Uses.

(C) Retail focus uses. Within the retail focus area, uses occupying first floor space of a building shall be limited to the following:

(1) Retail shopping establishment

(2) Restaurant

(3) Amusement enterprise, as limited in section (B)(1) above.

(4) Personal service establishment, provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that additional frontage space may be permitted with a special use permit.

(5) Arts and crafts studios, which are facilities where arts and crafts products are created on site. If at least 50 percent of the frontage of the space on Mount Vernon Avenue is devoted to retail display and sales, then the use is not considered a personal service establishment.

(6) Office or residential uses, in an existing building with a first floor located at least 40 inches above the grade of the sidewalk.

(7) Private school, commercial, with a maximum of 20 students on the premises at one time and provided that the use shall occupy no more than 30 feet frontage on Mount Vernon Avenue, and provided further that more than 20 students on the premises at one time and additional frontage space may be permitted with a special use permit.

6-604 - Parking requirements.

(B) **Reserved.** ~~Outdoor dining requires no parking for the first 20 seats.~~

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

6-702 - Uses.

(A) Ground floor uses

(1) Permitted uses.

(a) Animal care facility with no overnight accommodations;

(a.1) Building lobby, with a frontage of less than 30 feet along King Street;

(b) City sponsored farmers' market;

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

(d) ~~Pet supplies, grooming/training~~ Private school, commercial, with a maximum of 20 students on the premises at one time and with a frontage of less than 30 feet along King Street;

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

(f) Utilities, as permitted by section 7-1200;

(g) Accessory uses.

(2) Special uses:

(a) Amusement enterprise;

(b) **Bakery-Food and beverage production**, exceeding 3,500 square feet, which includes a retail component;

(c) Church;

(d) Convenience store;

(e) Health and athletic club;

(f) Hotel;

(g) Outdoor food and craft market;

(h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.

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

(i.1) Private school, commercial , with a maximum of 20 students on the premises at one time and extending for more than 30 feet along King Street;

(j) Public building;

(k) Restaurant, **other than pursuant to section 6-702(C);**

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

(B) Upper floor uses.

(1) Permitted uses:

(a) Any use permitted as a ground floor use under section 6-702(A)(1);

(b) Multifamily dwelling units or accessory apartments;

(c) Business and professional office;

(c.1) Day care center;

(d) Medical office;

(e) Medical laboratory;

(f) Personal service establishment;

(f.1) Private school, commercial, with a maximum of 20 students on the premises at one time;

(g) Radio or television broadcasting office and studio.

(2) Special uses:

(a) Any use allowed as a ground floor special use under section 6-702(A)(2);

(b) Apartment hotel;

(c) Catering operation;

(d) Congregate housing;

(e) Reserved;

(f) Home for the elderly;

(g) Fraternal or private club;

(h) Medical care facility;

(i) Motor vehicle parking or storage;

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

(k) Private school, commercial or academic, **with more than 20 students on the premises at one time;**

(l) Rooming house;

(m) Social service use;

(n) Wholesale business.

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

(1) Valet parking;

(2) Massage establishment;

(3) Restaurant (ground floor only).

Article VII. SUPPLEMENTAL ZONE REGULATIONS

Section 7-500 Child and elder care homes.

Child and elder care homes are permitted subject to the following limitations:

(A) Requirements for child and elder care homes for one to five persons. A child or elder care home for one to five persons is allowed as a permitted use in the zones in which it is listed and must comply with the following:

- (1) All homes shall be registered with the city pursuant to title 12 of the city code;
- (2) When calculating the total number of children cared for, resident children under the age of **12** ~~14~~ shall be included. When calculating the total number of adults, all resident adults shall be included.
- (3) The home shall be the principal residence of the operator of the home;
- (4) The home shall comply with all requirements of the city and state codes.

~~(B) Requirements for child and elder care homes for six to nine persons. A child or elder care home for six to nine persons requires a special use permit and shall at a minimum comply with the following requirements as well as those in section 7-500(A) above:~~

- ~~(1) The home operator shall obtain a license from the Virginia Department of Social Services;~~
- ~~(2) Unless exempted by section 7-500(B)(3) below, a minimum of 75 square feet of outdoor play area shall be provided for each child above the age of two and shall be shown on the recorded plat of the lot in question. Such play area shall be fenced unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards.~~
- ~~(3) No play area shall be required when the child care home is located within 500 feet of a park or playground that has sufficient capacity to accommodate the children and for which the park owner's permission has been obtained.~~

Article XI. DEVELOPMENT APPROVALS AND PROCEDURES

Section 11-500 Special use permits.

11-511 - Administrative amendment to SUP.

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

(A) Amendments authorized.

- (1) Change in ownership. Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant after determining that there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.
- (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 change after determining that:

- (a) 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) No more than the following increases which may be permitted only once over the life of the permit:
 - (a) Two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;
 - (b) ~~Twenty percent additional restaurant seats, up to~~ A maximum of 12 additional restaurant seats ~~and not to exceed 100 seats maximum;~~
 - (c) Twenty percent additional classroom seats;
 - (d) Twenty percent additional equipment;
 - (e) ~~Twenty~~ Up to thirty-three percent additional floor area;
- (e.1) Two delivery vehicles for restaurants with a minimum of 20 seats;**
- (f) Similar increases for other aspects of the use; or alternatively,
 - (ii) The 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;
 - (d) The proposed change when considered in conjunction with all amendments since city council approval, does not exceed in the aggregate the limitations prescribed under this section 11-511.
 - (e) The proposed change does not amend or delete conditions that were included to address community concerns.

11-513 - Administrative special use permit.

(C) General standards for all administrative uses:

(16) The Director of Planning and Zoning shall review the Special Use Permit after it has been operational for one year, and 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 there are problems with the operation of the use and that new or revised conditions are needed.

(K) Specific standards for ~~overnight pet boarding~~ animal care facility with overnight accommodations.

(1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding Boarding Establishments.

(L) Specific standards for restaurants.

(1) The number of seats at the restaurant may not exceed 100.

(2) **Reserved;** ~~The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware, except that this full service requirement does not apply to a coffee or ice cream shop.~~

(3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.

(4) The applicant shall post the hours of operation as well as the location of off street parking at the entrance to the restaurant.

(5) Meals ordered before the closing hour may be served, but no new patrons may be admitted, **no new meals may be ordered and no alcohol served** after the closing hour, and all patrons must leave by one hour after the closing hour.

(6) Limited, live entertainment may be offered ~~at the full service restaurant, and must comply with the city's noise ordinance.~~ **No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.** No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.

(7) ~~Full-service~~ **R**estaurants with a minimum of ~~40~~ **20** seats may offer delivery service which shall be limited to ~~one~~ **two** delivery vehicles, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.

(8) Full alcohol service, consistent with a valid ABC license is permitted. No ~~off-premise alcohol sales~~ **alcohol sales for off-premise consumption** are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.

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

(10) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

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

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

(13) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and environmental services. The City's storage space guidelines and required. Recycling implementation plan forms are available at: www.alexandriava.gov or contact the city's solid waste division at 703-519-3486 ext. 132.

(14) Nightclub entertainment is not permitted, as defined in section 2-190.2;

(15) For restaurants within the Old Town Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Old Town Restaurant Policies.

(16) For restaurants within the Waterfront Small Area Plan, all new restaurant uses and expansion or intensification of existing restaurant uses must satisfy the Waterfront Restaurant Policies.

(M) Specific standards for outdoor dining.

(1) Outdoor dining shall be accessory to an approved indoor restaurant.

(2) Outdoor dining, including all its components such as planters, wait stations and barriers, shall not encroach onto the public right of way unless authorized by an encroachment ordinance.

(3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted **require no additional dedicated off-street parking spaces** and are ~~in addition to~~ **separate from** the indoor seats.

(4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant, unless a neighborhood standard has been established with a different time. Within the NR Zone, the Mount Vernon Avenue Urban Overlay Zone and the West Old Town neighborhood areas, outdoor dining shall be closed and cleared of all customers by 10:00 p.m. Sunday through Thursday and by 11:00 p.m. on Friday and Saturday. **Within the Old Town Small Area Plan, outdoor dining shall be closed and cleared of all customers by 11:00 p.m. daily, consistent with the King Street outdoor dining overlay zone section 6-805(E).**

(5) No live entertainment shall be permitted in the outdoor seating area.

(6) Outdoor seating areas shall not include advertising signage, including on umbrellas.

(7) On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.

(8) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas planters, wait stations, and other components to be located within the area, and such additional information as the director may reasonably require.

(9) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.

(10) Reserved.

(11) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.

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

(1) Obtain all required state, federal and local licenses and certificates prior to opening its place of business;

(2) Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic; and

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

(Q) Specific standards for health and athletic clubs. Each use shall:

- (1) **Maintain hours of operation no greater than the prevailing hours of similar uses in the area, but in no event shall the health and athletic club stay open later than 12:00 midnight or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday.**

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

- (1) **Comply with the requirements in section 7-500(A);**
- (2) **Obtain all required state, federal and local licenses and certificates prior to operation;**
- (3) **Unless exempted by section 11-513(R)(4) below, provide a minimum of 75 square feet of outdoor play area for each child above the age of two, and the play area shall be:**
- (a) Shown on the recorded plat of the lot in question; and**

(b) Fenced unless the applicant can show that the play area provides proper protection from traffic and other hazards and to neighboring yards;

(4) No play area shall be required when the child care home is located within 500 feet of a park or playground that has sufficient capacity to accommodate the children and for which the park owner's permission has been obtained; and

(5) Provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

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

(1) Limit the parking lot for parking of vehicles in conjunction with the business;

(2) Not perform any repair work on the site;

(3) Maintain adequate appearance of the site;

(4) Park all stored vehicles off-street and not in any portion of public way;

(5) Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and

(6) For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

(T) Specific standards for motor vehicle parking or storage for more than 20 vehicles. Each use shall:

(1) Limit the parking lot for parking of vehicles in conjunction with the business;

(2) Not perform any repair work on the site;

(3) Maintain adequate appearance of the site;

(4) Park all stored vehicles off-street and not in any portion of public way;

(5) Ensure no junked, abandoned, stripped, or visibly damaged vehicles are be displayed, parked, or stored outside; and

(6) For car wash discharges resulting from a commercial operation, not discharge into a storm sewer. It is recommended that the car washes be done at a commercial car wash facility.

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

Section 3. That Articles II, III, IV, V, VI, VII, and XI as amended pursuant to Section 1 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 4. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

ALLISON SILBERBERG
Mayor

Final Passage: June 28, 2016