



DOCKET ITEM #10
Text Amendment #2018-0005
Massage Establishments and Health Profession Office

<p>Issue: (A) Initiation of a text amendment; (B) Public hearing and consideration of a text amendment to the zoning ordinance: to delete section 2-176 and add section 2-153.2 to revise the definition of medical office to include massage establishments, to rename medical office a health profession office, and to remove redundant words; to amend articles IV (Commercial, office and industrial zones), V (Mixed use zones), VI (Special and overlay zone) to transfer massage establishments from administrative special use to permitted health profession office use, replace the term medical office with health profession office, and delete massage establishments from use limitations; to amend the definitions in sections 2-126 and 2-174 and to amend sections 3-902 (RC/High density apartment zone, Permitted uses) and 7-303 (Home occupations, Use limitations) to replace the term medical office with health profession office; to amend sections 4-1202 and 4-1202.1 (I/Industrial zone) to add health profession office as a permitted use and to transfer massage establishments from administrative special use to permitted health profession office use; to amend sections 5-402, 5-402.1, and 5-403 (CRMU-X/Commercial residential mixed use (Old Town North) zone) to add health profession office and business and professional office as permitted uses above the ground floor, and special uses on the ground floor, and to transfer massage establishments from administrative special use to permitted health profession office use as previously described; to amend section 5-511 (W-1/Waterfront Mixed use Zone, Use Limitations) to remove massage establishment as a use limitation in this zone; to amend section 6-603 (Mount Vernon Avenue urban overlay zone, Uses) to remove massage establishment; to amend 7-302 (Home occupations, Prohibited occupations) to replace medical or dental clinic with health profession office; to amend section 8-200 (Off-street parking and loading, General parking regulations) to remove massage establishments from the list of specific commercial uses; and; to amend section 11-513 (Special use permits, Administrative special use permit) to delete massage establishment and replace the term medical office with health profession office.</p> <p>Staff: City of Alexandria Department of Planning & Zoning</p>	Planning Commission Hearing:	June 5, 2018
	City Council Hearing:	June 23, 2018
<p>Staff: Mary Christesen, Acting Land Use Division Chief, mary.christesen@alexandriava.gov Ann Horowitz, Principal Planner, ann.horowitz@alexandriava.gov Maggie Cooper, Urban Planner, margaret.cooper@alexandriava.gov</p>		

Staff recommendation: Initiation and APPROVAL of the Text Amendment subject to compliance with all applicable codes and ordinances.

I. Issue

Increasingly over the past few years, massage therapists have questioned why they need to go through an administrative special use process to open a business anywhere in the City of Alexandria, especially because they are health professionals licensed through the Virginia Board of Nursing. After researching how other jurisdictions address massage establishments, analyzing the typical operations associated with a massage therapy business, reviewing massage therapy businesses currently operating under an approved special use permit, reviewing the state licensing requirements for massage therapists with the City of Alexandria Health Department, Planning and Zoning staff proposes to add massage therapy to the definition of medical office, thus allowing massage therapy wherever medical offices are currently allowed. Staff sees this small-business friendly change as a natural next step in the evolution of how the City regulates massage establishments.

While reviewing the current definition of medical office, staff determined an updated term was needed to better capture all the uses that comprise the health profession. Staff proposes to remove the term *medical office* and replace with the term *health profession office*. Staff also identified a few zones that should allow health profession offices, some by-right and some through special use permits. Lastly, staff proposes some technical clean-up of the ordinance to decrease redundancy and better reflect current terms related to health professions.

II. Background

A. Evolution of Massage Therapy

Over the last twenty years, massage therapy has consistently become a more established and regulated profession. As the below timeline shows, the City of Alexandria has periodically amended the allowed locations for massage establishments and the process required to approve massage establishments.

- 1997- The Code of Virginia, through the Board of Nursing, began regulating massage therapy. Massage establishments required special use permit approval.
- 2008- Following a study done by the Alexandria Small Business Task Force, a text amendment was made allowing massage establishment as an accessory use. It still required a special use permit if it was a principal use.
- 2010- A second round of small business text amendments was allowed massage establishments to be approved by administrative special use permits instead of a full-hearing special permit in most commercial zones.
- 2013- The City of Alexandria Health Department stopped requiring a local massage therapist license because the state-level license was found to be sufficient.
- 2014- The Health Department and City of Alexandria Police Department stopped giving comments for the administrative special use permit process.

Since January 2013, thirty applications have been received for administrative special use permits for massage establishments. Twenty-six were approved administratively, one went to a hearing because of a request for a parking reduction and received approval, one was withdrawn, two are currently being reviewed and eight are now inactive businesses. Three complaints related to

massage establishment businesses were received in that timeframe, although none were specifically related to land use impacts of massage establishments. Two complaint cases were unfounded, and one complaint was related to proffers on uses in a specific building.

B. Licensure of Massage Therapists

Massage Therapy licenses are issued through the Board of Nursing of the Commonwealth of Virginia, which is housed under the Virginia Department of Health Professions. The Virginia Department of Health Professions (DHP) is the umbrella agency for health regulatory boards that enforce laws and regulations pertaining to the conduct and practices of health practitioners and select related facilities. Each health regulatory board enforces state laws and regulations specific to its licensees. While they maintain separate operations, health regulatory boards and the Board of Health Professions share support services such as: investigators and inspectors; human resources; a policy analyst; data information systems; administration; adjudication specialists; and, communications.

The qualifications for a licensed massage therapist are:

- A. An applicant seeking initial licensure shall submit a completed application and required fee and verification of meeting the requirements of § 54.1-3029 A of the Code of Virginia as follows:
 - 1) Is at least 18 years old;
 - 2) Has successfully completed a minimum of 500 hours of training from a massage therapy program certified or approved by the State Council of Higher Education for Virginia or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of § 23-1-226 of the Code of Virginia;
 - 3) Has passed the Licensing Examination of the Federation of State Massage Therapy Boards, or an exam deemed acceptable to the board;
 - 4) Has not committed any acts or omissions that would be grounds for disciplinary action or denial of certification as set forth in § 54.1-3007 of the Code of Virginia and 18VAC90-50-90; and
 - 5) Has completed a criminal history background check as required by § 54.1-3005.1 of the Code of Virginia.
- B. An applicant shall attest that he has read and will comply with laws and regulations and the professional code of ethics relating to massage therapy.
- C. An applicant who has been licensed or certified in another country and who provides certification of equivalency to the educational requirements in Virginia from a credentialing body acceptable to the board shall take and pass an examination as required in subsection A of this section in order to become licensed.

Pursuant to § 54.1-3008 (A)(7) of the Code of Virginia, it is a Class 1 misdemeanor for any person to engage in the practice of massage therapy or hold himself out as practicing massage therapy unless he holds a license as a massage therapist issued by the Virginia Board of Nursing.

C. Current regulations

Medical offices and massage establishments are currently allowed in nearly all commercial zones; however, massage establishments require administrative special use permits wherever they are located. The zoning ordinance currently allows:

- medical office by-right and massage establishments with an administrative special use permit in the CL, CC, CSL, CG, CD, CD-X, OC, OCM50, OCM100, OCH, CRMU-L, CRMU-M, and CRMU-H zones;
- medical office on upper floors by-right and massage establishments on upper floors with an administrative special use permit in the KR zone;
- massage establishments with an administrative special use permit, but does not allow medical office in the CR and I zones;
- massage establishment with an administrative special use permit and medical office with a special use permit in the CRMU-X zone;
- medical office on the first-floor space of a building within the retail focus area in an existing building with a first floor located at least 40 inches above the grade of the sidewalk and massage establishment with an administrative special use permit in the Mt Vernon Overlay District; and;
- medical offices on the ground floor of buildings facing the sidewalk, provided: (a) the business façade shall be no wider than 30 feet along the street; (b) No more than two such entrances shall adjoin each other, and massage establishment with an administrative special use permit in the NR zone.

D. Outreach

The Del Ray Citizen Association's Land Use Committee invited staff to give an update on the proposed text amendment at the Committee's Tuesday, April 10th meeting. No community or committee members had comments on the proposed changes. Staff gave an update at the Federation of Civic Associations at its Wednesday, April 25th meeting. No community or committee members had comments on the proposed changes. Staff will also be sending out a e-news announcement and will give a final update at the Federation of Civic Associations' Wednesday May 30th meeting. Since this meeting and e-news announcement will be after the publication of this report, feedback received will be included in a separate memo if needed.

III. Proposed Text Changes

A. Update Definitions

- **2-126 Business and professional office** The words *dentists, physicians or other medical practitioners* were removed and replaced with *health profession office* to ensure consistency. The words *clinic* and *suite* were removed as they were appeared twice in the first sentence of the definition.
- **2-153.2 Health Profession Office** Section 2-176, the current definition of medical office, was removed and section 2-153.2 was created for the new term health profession office, as the term health profession office better reflects the current health field and is consistent with state-level language. Staff has removed the words *chiropractic, osteopathy and podiatry* from the definition, as all are regulated through the Virginia Department of Health Profession's Board of Medicine and their uses are captured in

the definition already with the inclusion of the word medicine. *Clinical* was removed to allow for all types of psychology practices. *Nursing, massage therapy, and physical therapy* were added to the definition to round out the diversity of uses that qualify as a health profession. The last sentence of the definition (*the professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.*) was removed, as it was found to be out-of-date language that was no longer needed to explain how health-related offices are managed.

- **2-174 Medical care facility** This definition specifically excludes physician's or medical offices from the use medical care facility. The words *physician's or medical office* were removed and replaced with *health profession office* to ensure consistency. This change does not alter the meaning of the medical care facilities.

B. Remove Massage Establishment from Administrative Special Use

Sections in articles IV (Commercial, office and industrial zones), V (Mixed use zones), VI (Special and overlay zone) will be amended to remove the term *massage establishment* and replace with *Reserved*. This action will result in massage establishments no longer needing administrative special use permits in these zones.

C. Remove Massage Establishment from Use Limitations

Sections in articles IV (Commercial, office and industrial zones), V (Mixed use zones), VI (Special and overlay zone) will be amended to remove the term *massage establishment* from use limitations. The ordinance currently states that massage establishments shall obtain all required state, federal and local licenses and certifications prior to opening its place of business. Because all massage therapists are already required by the state to have proper licensure, and because the proposed definition of health profession office also requires massage therapists to have state licensure, the listings in these sections were found to be redundant.

D. Replace Medical Office with Health Profession Office

Sections in articles II (Definitions), III (Residential Zone Regulations), IV (Commercial, Office and Industrial Zones), V (Mixed use zones), VI (Special and overlay zone), VII (Supplemental Zone Regulations), and XI (Special and Overlay Zones) will be amended to replace the term *medical office* with *health profession office*. This is being done to reflect the new term health profession office that replaces the term medical office.

E. Amend Industrial Zone to Allow Health Profession Offices

In reviewing section 4-1200, ordinance, staff found that medical offices are currently not allowed in the industrial zone, but massage establishments are allowed with an administrative special use permit. Staff proposes updating section 4-1202(I) to allow health profession offices in this zone. Staff believes this is an appropriate use in this zone because this use does not typically have associated impacts or a large volume of business and because business and professional office are currently allowed by-right in this zone.

F. Amend CRMU-X Uses

Currently the CRMU-X zone allows massage establishment with an administrative special use permit and medical office with a special use permit. In analyzing this zone, staff also noticed that

business and professional offices are only allowed with a special use permit. After discussions with the Neighborhood Planning Division, staff proposes:

- To add 5-402(D) and 5-402(E) to allow business and professional offices and health profession offices by-right above the ground floor, and;
- To amend 5-403(D) and 5-403(O) to allow business and professional offices and health profession offices with a special use permit on the ground floor of buildings facing the sidewalk.

G. Remove Massage Establishment from Specific Parking List

Massage Establishment is currently listed in the general parking regulations as a specific commercial use. The proposed change will remove *massage establishment* from the specific commercial use list and replace with *Reserved* in section 8-200(A)(16)(c)(v.). All types of health profession offices will follow the parking regulations for office use.

H. Replace Medical or Dental Clinic with Health Profession Office

Section 7-302 currently lists medical and dental clinics as prohibited home occupation uses. The terms medical clinic and dental clinic appear nowhere else in the zoning ordinance, and staff has always interpreted this to mean medical offices were prohibited from home occupation. Because of this, staff is proposing to update this section to remove *medical or dental clinic* and replace with *health profession office*.

I. Accessory Use

None of the proposed changes will impact the way massage therapy is regulated as an accessory use. Per the zoning ordinance, an accessory use is a use which is clearly subordinate to and serves a permitted principal use; is customarily found in connection with the permitted principal structure or use which it serves; and is subordinate in area, extent and purpose to the principal structure or use served. Even if operating as an accessory use, massage therapists are still required to be licensed by the Commonwealth of Virginia.

IV. Recommendation

Staff recommends initiation and approval of the text amendment.

Staff: Mary Christesen, Acting Land Use Division Chief, Department of Planning and Zoning
Ann Horowitz, Principal Planner, Department of Planning and Zoning
Maggie Cooper, Urban Planner, Department of Planning and Zoning

PROPOSED TEXT AMENDMENTS

2-126 - Business and professional office.

Any room, studio, clinic, ~~suite, clinic,~~ suite or building in which the primary use is the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by a salesman, sales representative or manufacturer's representatives; or the conduct of a business by professionals such as engineers, architects, land surveyors, artists, musicians, lawyers, accountants, real estate brokers, insurance agents and landscape architects but not including ~~offices for dentists, physicians or other medical practitioners, or~~ health professional offices or offices for day labor agencies.

2-174 - Medical care facility.

Any installation, place, building, or agency, whether or not licensed or required to be licensed by the State Board of Health or the State Hospital Board, by or in which facilities are maintained, furnished, conducted, operated, or offered for the prevention, diagnosis or treatment of human disease, pain, injury, deformity or physical condition, whether medical or surgical, of two or more non-related mentally or physically sick or injured persons, or for the care of two or more non-related persons requiring or receiving medical, surgical or nursing attention or service as acute, chronic, convalescent, aged, or physically disabled; including but not limited to intermediate care facility, extended care facility, mental hospital, mental retardation facility, medical school, outpatient surgery centers, birthing, diagnostic imaging, radiation therapy, dialysis, medical/physical rehabilitation and trauma units, substance abuse outpatient or day programs, and other related institutions and facilities, whether operated for profit or nonprofit, and whether privately owned or operated by a local government unit. This term shall not include a health profession office, ~~physician's or medical office,~~ first aid station for emergency medical treatment, housing for the elderly, medical laboratory, hospital, nursing home or a facility which has as its primary purpose residential accommodation. Nothing in this definition is intended to interfere with or restrict the use of a dwelling unit by a family as that term is defined in this article, wherever such use is allowed in the zones.

2-176 Reserved.

2-153.2 Health profession office ~~Medical office.~~

The use of space by individuals licensed in the Commonwealth of Virginia to practice medicine, ~~osteopathy,~~ dentistry, ~~chiropractic, podiatry,~~ psychiatry, ~~clinical~~ psychology, nursing, massage therapy, physical therapy or other health-related professions on an outpatient basis. ~~The professional services provided in the medical office space is for the occupant's own patients and not for patients of unrelated outside practitioners.~~

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

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

- (A) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Accessory uses, as permitted by section 7-100;
- (D) Child or elder care home, as permitted by section 7-500;

- (E) Church;
- (F) Home occupation, as permitted by [section 7-300](#);
- (G) Public park;
- (H) Public school;
- (I) The following commercial uses in a residential development of at least 2,000 dwelling units if limited to an area the size of the first floor or any floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:
 - (1) Bank, saving and loan bank or association, and similar financial institution;
 - (2) Barbershop or beauty parlor;
 - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
 - (4) Drugstore;
 - (5) Grocery store, where products are not prepared or consumed on the premises;
 - (6) Gift or florist shop;
 - (6.1) Health and athletic club;
 - (7) Professional, business and ~~medical~~ health profession office provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and
- (J) Utilities, as permitted by [section 7-1200](#).

Sec. 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~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (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) ~~Reserved; Massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

4-107 - Use limitations.

- (A) All operations shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) No more than one vehicle limited to one car or light truck shall be used on the premises as part of the operation of any business except that additional vehicles may be permitted with a special use permit.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) Parking for commercial uses may be located on a lot other than the one on which the commercial use is located if the other lot is zoned for commercial uses and is located within 500 feet of the use served.
- (G) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (H) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 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~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) Private school, commercial;
- (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 7-100](#);
- (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) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

4-207 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or

- (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.
- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Manufacturing, processing and assembly uses are prohibited except for the fabrication of art and craft objects, food and beverage production, printing, woodworking, eyeglass lenses and other similar uses when conducted solely to produce items for retail sale on the premises.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 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~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (H.1) Private school, commercial;
- (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) ~~Reserved; massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

4-307 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
 - (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.
- (B) Loading and unloading operations shall take place entirely within the site and shall be so located so as not to interfere with pedestrian routes and local traffic.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (E) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (F) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

4-400 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~~ Health profession office;
- (H) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H.1) Private school, commercial;
- (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) ~~Reserved; Massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

4-407 - Use limitations.

- (A) All operations, including storage, shall take place within a completely enclosed building, except:
 - (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
 - (2) For uses which require a special use permit, the permit may authorize outdoor display for sales.

- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (F) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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~~ Health profession office;
- (H.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (I) Personal service establishment;
- (J) Private school, commercial;
- (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) ~~Reserved; 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;
- (F) Valet parking.

4-507 - Use limitations.

- (A) 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.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center, ~~or~~ commercial school ~~or message establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 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~~ Health profession office;
- (F.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (G) Personal service establishment;
- (H) Private school, commercial;

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

4-607 - Use limitations.

- (A) 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 which permit shall indicate the location, size, duration and purpose of the accessory outdoor use.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (D) A day care center; ~~or~~ commercial school ~~or message establishment~~ shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

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

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

Sec. 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~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (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) ~~Reserved; Massage establishment;~~
- (C) Outdoor garden center;

- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking.

4-807 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display 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 and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, to include any associated service road.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (E) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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;
- (C.2) Business offices with or without accessory indoor storage other than those listed in [section 4-902\(C.1\)](#);
- (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~~ Health profession office;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (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) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center;
- (I) Light assembly, service, and crafts in an industrial or flex space center.

4-906 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display 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 and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

- (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas, fumes, noise, vibration or glare.
- (E) A day care center, ~~or commercial school~~ ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or

Sec. 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;
- (C.2) Business offices with or without accessory indoor storage other than those listed in [section 4-1002](#)(C.1);
- (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~~ **Health profession office**;
- (G.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (H) Personal service establishment;
- (I) Private school, commercial;
- (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) ~~Reserved; massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (G) Valet parking;
- (H) Catering operation in an industrial or flex space center;
- (H.1) Light assembly, service, and crafts in an industrial or flex space center; and
- (I) Light auto repair in an industrial or flex space center.

4-1006 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display 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 and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (E) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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~~ **Health profession 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;
- (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) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Reserved;
- (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.

4-1106 - Use limitations.

- (A) All operations, including storage, shall be conducted within a completely enclosed building except that a temporary use permit for occasional outdoor sales or seasonal sales or display 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 and, if the use is seasonal, whether the permit shall continue on an annual basis.
- (B) Automobile service stations, car washes and drive through facilities shall only be located along an arterial (100 feet) or primary collector (80 feet) road, including any associated service road.
- (C) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (D) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (E) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all state, federal and local licenses and certificates prior to opening its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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;
- (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]~~ Health profession office;
- (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;
- (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) ~~Reserved; 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;
- (F.1) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (G) Valet parking.

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

4-1403 - Permitted uses. In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows.

- (A) Permitted ground floor uses. The following uses are permitted on the ground floor of buildings facing the sidewalk:
 - (1) Retail establishment;
 - (2) Personal service establishment, except pawnshops, check cashing, payday loan and title loan businesses;
 - (3) Banks, business and professional offices, medical laboratory ~~or~~, health profession 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;
 - (5) Day care center;
 - (6) Private school, commercial, with a maximum of 20 students on the premises at any one time and with a frontage of less than 30 feet along Mount Vernon Avenue;
 - (7) Animal care facility with no overnight accommodation;
 - (8) Health and athletic club if located within a shopping center, hotel or office complex;
 - (9) Utilities, as permitted by section 7-1200.
- (B) Permitted uses above the ground floor:
 - (1) Uses listed under section 4-1403;
 - (2) Dwelling unit;
 - (3) Church;
 - (4) 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;
- (E) Reserved; Massage establishment;
- (F) Valet parking;
- (G) Outdoor dining;
- (H) Live theater;
- (I) Health and athletic club, other than pursuant to section 4-1403(A)(8);
- (J) Outdoor display of retail goods.

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(A);
- (B) Banks, business and professional offices, medical laboratories/~~offices~~ , health profession offices and laundromats on the ground floor, other than pursuant section 4-1403(A) Banks, business and professional offices, medical laboratories , health profession office and laundromats, other than pursuant section 4-1403(A)(3);
- (C) Convenience store;
- (D) Public parking lot;
- (E) Private school, commercial, with more than 20 students on the premises at any one time or with a frontage of more than 30 feet along Mount Vernon Avenue;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to section 4-1403.1(H);
- (H) Bus shelter on private property;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to section 4-1403.1(C);
- (K) Private school, academic, with more than 20 students on the premises at one time;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.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.
- (O) Congregate housing facility;
- (P) Health and athletic club, other than pursuant to sections 4-1403(A)(8) or 4- 11 1403.1(I)
- (Q) Home for the elderly;
- (R) Outdoor garden center, other than pursuant to section 4-1403.1(B);
- (S) Public building;
- (U) Social service use.

4-1413 - Use limitations.

- (A) All operations, except those administrative uses enumerated in sections 14-1103(B), (C) and (G) 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.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.
- (F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 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~~ Health profession 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) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-110 - Use limitations.

- (A) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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~~ Health profession 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) ~~Reserved; massage establishment~~;
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;
- (F) Valet parking.

5-210 - Use limitations.

- (A) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

Sec. 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~~ Health profession 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) ~~Reserved; massage establishment;~~
- (C) Outdoor garden center;
- (D) Outdoor food and crafts market;
- (E) Outdoor dining;

- (F) Valet parking.

5-310 - Use limitations.

- (A) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.

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

5-402- Permitted uses.

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

- (A) Single-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) Accessory uses, as permitted by [section 7-100](#).
- ~~(D) Business and professional office, above the ground floor;~~
- ~~(E) Health profession office, above the ground floor.~~

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) ~~Reserved; 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) Food or beverage production exceeding 3,500 square feet, which includes a retail component;
- (D) Business and professional office, on the ground floor of buildings facing the sidewalk;
- (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~~ Health profession office, on the ground floor of buildings facing the sidewalk;
- (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;
- (R) Reserved;
- (S) Private school, academic, 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.

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

5-511 - Use limitations.

Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; ~~provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

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

6-603 - Uses.

- (A) *Permitted and special use restrictions.* The following uses, otherwise allowed either as permitted or special uses in the CL zone, are not permitted in the overlay zone area:

- (1) Seminary, convent or monastery;
 - (2) Medical laboratory;
 - (3) Public school;
 - (4) Funeral home;
 - (5) Rooming house;
 - (6) Check cashing business;
 - (7) Payday loan business;
 - (8) Pawnshop;
 - (9) Motor vehicle parking or storage, except that a public parking lot is allowed with a special use permit;
 - (10) Title loan business.
- (B) *Special use additions.* The following uses are allowed by special use permit, in addition to those listed in the CL zone:
- (1) Amusement enterprise, limited to live theater, music venues and similar entertainment opportunities.
- (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.
- (D) *Administrative special uses.* Notwithstanding any contrary provisions of the zoning ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of [section 11-513](#).
- (1) Restaurants;
 - (2) Outdoor dining;
 - (3) Amusement enterprise, limited to live theater;
 - (4) Outdoor food and crafts markets;
 - (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet;
 - (6) Outdoor display of retail goods;

- (7) ~~Reserved; massage establishment;~~
- (8) Valet parking.
- (E) *Accessory apartments.* The regulation for accessory apartments in [section 4-108](#) is modified to allow residential uses on the upper floors of a building to apply to up to eight apartments.
- (F) *Noncomplying uses.* Notwithstanding the language of [section 12-301](#) regarding the definition of noncomplying uses, any use within the urban overlay zone that is legally existing on _____ (date of ordinance adoption) and inconsistent with these provisions shall be deemed a noncomplying use and allowed to continue subject to the rules for noncomplying uses in [section 12-302](#) of this ordinance.

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

6-702 - Uses.

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

Ground floor uses : Retail and other active uses are emphasized in the ground floor uses category. The ground floor uses category applies to uses to be located in the space within the first 50 feet of a building, measured from the front building wall, and in a building that is set back no further than 30 feet from a front property and with a first floor of the building within four feet above the sidewalk grade.

Upper floor uses : The second category of uses is all space that is not located within the ground floor of a building, as that is defined above. Upper floor uses may be located on floors above the ground floor, in the space on the ground floor beyond the 50 feet threshold for ground floor uses, and in buildings not considered retail appropriate because they are elevated above grade or set back an excessive distance from the street as expressed above.

(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) 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) 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~~ [Health profession 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 [section 11-513](#) of this ordinance:

- (1) Valet parking;
- (2) ~~Reserved; massage establishment;~~
- (3) Restaurant (ground floor only).

6-707 - Use limitations.

- (A) All operations, except those administrative uses enumerated in [section 6-702](#)(C)(1) 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.
- (B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.
- (C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.
- (D) The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably determined by the director.
- (E) A day care center, ~~or~~ commercial school ~~or massage establishment~~ shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.

Sec. 7-300 - Home occupations.

7-302 - Prohibited occupations.

Prohibited home occupations include but are not limited to the following:

- (A) Antique shop;
- (B) Barber shop or beauty salon;
- (C) Funeral home with or without chapel;
- (D) Gift shop;
- (E) Kennel or other boarding of animals;
- (F) ~~Medical or dental clinic;~~ [Health profession office](#), hospital, ~~or~~ nursing home;
- (G) Motor vehicle repair or sales;
- (H) Nursery school;
- (I) Repair or testing of internal combustion engine;
- (J) Restaurant;

- (K) Veterinary clinic or animal hospital.

7-303 - Use limitations.

Each home occupation shall be subject to the following use limitations each of which shall be applied equally and no one of which shall be interpreted as relaxing another:

- (A) Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on site employment or use of labor from persons who are not bona fide residents of the dwelling.
- (B) No mechanical or electrical equipment shall be employed on the premises other than machinery or equipment customarily found in a home, associated with a hobby or avocation not conducted for gain or profit, or customary for a small business, professional or ~~medical~~ health profession office.

Sec. 8-200 – General parking regulations

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

(16) Specific Commercial uses:

- (a) Within the Enhanced Transit Area
- i. Minimum requirement – 0.25 spaces per 1,000 square feet of floor area
 - ii. Maximum requirement – 3.0 spaces per 1,000 square feet of floor area
- (b) Outside the Enhanced Transit Area
- i. Minimum requirement – 0.75 spaces per 1,000 square feet of floor area
 - ii. Maximum requirement – 4.0 spaces per 1,000 square feet of floor area
- (c) The following uses are specific commercial for the purposes of determining parking requirements:
- i. Animal care facility
 - ii. Convenience store
 - iii. Day care center
 - iv. Light assembly , service and crafts
 - v. ~~Reserved; massage establishment;~~
 - vi. Personal Service Establishment
 - vii. Private school, commercial
 - viii. Retail shopping establishment

Sec. 11-500 - Special use permits.

11-513 - Administrative special use permit.

- (O) *Application to certain development special use permits.* The provisions of this [section 11-513](#) have no application to any CO planned residential/commercial development and shall not preempt any conditions in any DSUP or CDD concept plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may

be classified as permitted uses or as administrative SUP uses under this [section 11-513](#) and under Ordinance #4573, adopted December 13, 2008, except as provided below:

- (1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this [section 11-513](#)(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:
 - (a) Business professional offices;
 - (b) Catering;
 - (c) Church;
 - (d) Convenience store;
 - (e) Day care center;
 - (f) Health and athletic club;
 - (g) ~~Reserved; massage establishment;~~
 - (h) Medical care facility;
 - (i) Medical laboratory;
 - (j) ~~Medical office~~ Health profession office;
 - (k) Personal service establishments;
 - (l) Pet supplies, grooming and training with no overnight accommodations;
 - (m) Restaurant; and
 - (n) Retail shopping establishments.