



Zoning Text Amendment #2020-00003

Small Business Practical Updates

Issue: Small Business Practical Updates	Planning Commission Hearing:	September 1, 2020
	City Council Hearing:	September 12, 2020
Description: A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to the Zoning Ordinance to amend sections in Articles II – VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses.		
Staff: City of Alexandria, Department of Planning & Zoning: Karl Moritz, Director, Department of Planning & Zoning Tony LaColla, Division Chief, Land Use Services Ann Horowitz, Principal Planner, Land Use Services Mary Christesen, Principal Planner, Land Use Services Sam Shelby, Urban Planner III, Land Use Services Kaliah Lewis, Senior Planning Technician, Boards and Commissions Unit		
Staff recommendation: Staff recommends that the Planning Commission INITIATE and recommends APPROVAL of the text amendment.		

PLANNING COMMISSION ACTION, SEPTEMBER 1, 2020: On a motion by Commissioner Brown, and seconded by Commissioner Lyle, the Planning Commission voted to initiate Zoning Text Amendment #2020-00003, as submitted. The motion carried on a vote of 6-0. On a motion by Commissioner Brown, and seconded by Commissioner Lyle, the Planning Commission voted to recommend approval of Zoning Text Amendment #2020-00003, as submitted. The motion carried on a vote of 6-0.

Reason: The Planning Commission agreed with staff analysis.

Chair Macek stated that he would prefer restaurants as permitted uses and advised staff to monitor restaurant use for a possible text amendment in the future.

Vice-chair McMahon questioned the type of SUP amendment review an outdoor seating use would be subject to if it proposed a 33% or more expansion. Staff responded that either an SUP hearing or a site plan amendment would be required and any expansion below 33% could be accommodated through the administrative SUP process. She asked the reasons for SUP hearing review for a medical care facility. Staff replied that it identified potential impacts related to

emergency vehicles, the size of the facility and the number of patients and recommended an SUP use for these reasons.

Speakers:

Charlotte Hall, representing the Old Town Business Association, spoke in support of the text amendment to reduce the review times for new businesses. She added that the temporary outdoor business expansion allowed through emergency authorization has been successful in this regard.

I. SUMMARY

The Department of Planning & Zoning proposes to ease the regulatory processes required of certain uses and to create more opportunities for present-day uses in the City through Zoning Ordinance text amendments. A decrease in the number of Special Use Permit (SUP) approvals that require public hearing review or administrative SUP review would increase the number of commercial uses that could open in a shorter time period, with a reduced outlay of funds and have a minimal impacts on the City's quality of life. In addition, updates to the zoning ordinance language to coordinate with present day terminology and business practices are recommended.

The proposed text amendments in this report would minimize regulatory requirements and expand business opportunities for these uses:

Restaurant

Shifting from either Special Use Permit approval or administrative SUP approval to only administrative SUP approval. An exception would be for restaurants offering live entertainment, which would continue to require SUP approval.

Outdoor dining

Expanding the opportunities for outdoor dining in more commercial settings and increasing the instances for administrative SUP approval from SUP approval.

Outdoor food and crafts market

Expanding the opportunities for outdoor markets and increasing the instances for administrative SUP approval from SUP approval.

Health and athletic club or fitness studio operating as a private commercial school

Combining all types of health and fitness uses and shift from requiring SUP approval to a permitted use.

Amusement enterprise

Expand the uses in this category and shift from requiring SUP approval to a permitted use for indoor operations. Outdoor operations would continue to require SUP approval.

Day care center

SUP approval in some zones to a permitted use in all commercial zones.

Social service use

SUP approval to a permitted use.

Convenience store

SUP approval to a permitted use.

Food and beverage production retail use

A permitted retail use would be allowed for uses up to 5,000 square feet from the existing 3,500 square feet.

SUP Minor Amendment criteria

Increase the number of commercial uses that can be approved through administrative SUP.

Home occupation

Allowing patrons at all home occupation businesses.

II. BACKGROUND

Rationale for Proposed Text Amendments

In recent years, staff concluded that some commercial uses were subject to higher levels of regulatory approval or restrictive rules than what was necessary to control neighborhood impacts. These regulations did not correlate with actual impacts as evidenced by the lack of complaints and zoning violations, Planning Commission and City Council approvals of SUPs on consent calendars, and sufficient regulations associated with other Zoning and City Code requirements. Additionally, staff has tracked business inquiries to learn of Zoning Ordinance updates required to accommodate new and evolving commercial uses.

Public Engagement

After introducing the proposed regulatory changes to the Planning Commission at its October 3, 2019 hearing, staff presented the proposed changes to the business and residential communities and elicited feedback at nine meetings between December 2019 and February 2020. Residents on the west and east ends of the City, the Federation and the Del Ray Land Use Committee expressed their thoughts on the proposed text amendments. Outreach took place for the business community at a City Hall meeting and at the Wire Gill law offices. Staff also met with the Alexandria Business Association, the National Association of Industrial and Office Parks local chapter, and the Chamber of Commerce Government Relations Committee to learn of their views on the proposed changes.

At the February 4, 2020 Planning Commission hearing, staff informed the commission of the public engagement responses to the text amendment proposals. The residential community's concerns generally focused on the noise and parking impacts that may result if SUP review shifted to administrative SUP review or to by-right uses. One group recommended establishing maximum evening hours of operation for home occupation businesses and perhaps limiting patrons to six a day. Overall, the business community supported the proposed changes as it would significantly reduce the time and fees for opening a business. They expressed concern, however, that staff may have difficulty approving Administrative SUPs within the standard 30 – 40 day time frame with an increase in administrative SUP cases.

III. SMALL BUSINESS PRACTICAL UPDATE RECOMMENDATIONS

The staff recommended text amendments balance an appropriate level of Zoning Ordinance regulation to limit impacts, the public engagement feedback, and the Planning Commission's input. Several articles of the Zoning Ordinance – Definitions, Commercial Office and Industrial

Zones, Mixed Use Zones, Special and Overlay Zones, Off-Street Parking and Loading, Development Approvals and Procedures – contain amendments to reduce regulations for specific uses and to align language with current commercial trends.

A. Uses proposed for reduced regulatory review

Restaurant

Shift from either Special Use Permit (SUP) or administrative SUP approval to only administrative SUP approval

Most restaurants are proposed for administrative SUP approval. The criteria for the staff-only approval found in Section 11-513(L) deletes the limitation on number of seats, hours of operation, number of delivery vehicles, and off-premises alcohol service. The number of permitted by right restaurants would increase as the definition for shopping center, amended as “commercial complex,” has expanded to include all commercial groupings of at least two independent businesses under common ownership and with shared parking facilities. The revised definition would allow for permitted restaurants not only in additional shopping center locations, but also in mixed use buildings.

Outdoor dining

Expand quantity of requests eligible for administrative SUP approval

More outdoor dining uses could be approved administratively with the proposed changes to the criteria for administrative SUP approval in Section 11-513(M): increase of seats from 20 to 40; hours of operation until 11 p.m.; and off-premises alcohol sales. An added outdoor dining definition allows it to accompany any use that prepares food, not only restaurants. Like restaurants, outdoor dining would be permitted at commercial complexes on privately-owned property.

Outdoor food and crafts market

Expand quantity of requests eligible for administrative SUP approval

This use proposed as an “outdoor market” is an expansion of the “outdoor food and crafts market” that is allowed through SUP or administrative SUP approval. A definition for “outdoor market” has been added to expand options for outdoor market sale items. Criteria for administrative SUP approval in Section 11-513(F) have been simplified as impacts are not expected with the allowance for on and off premises alcohol sales, on-site food preparation, and hours of operation until 10 p.m. Outdoor markets are proposed for all commercial zones where they are not presently allowed.

Health and athletic club or fitness studio operating as a private commercial school

Shift from either Special Use Permit (SUP) approval or administrative SUP to a permitted use.

The new definition for health and fitness uses combines fitness studios, currently defined as private commercial schools, to the existing health and athletic club definition. Under the proposed redefinition, health and athletic clubs have been shifted from SUP and Administrative SUP uses to permitted uses as private commercial schools are permitted in all commercial zones. The potential impacts for both are limited to parking and noise, which are sufficiently monitored through the existing parking and noise ordinance regulations. As such, the health and athletic club Administrative SUP criteria have been deleted from Section 11-513.

Amusement enterprise

Special Use Permit (SUP) approval to a permitted use.

The amusement enterprise definition has been redefined as “Recreation and entertainment use” and expands the uses to include recent inquiries for commercial facilities, such as indoor athletic fields, ball courts and children’s play areas. Staff has found that the parking and noise ordinance regulations adequately control amusement enterprises, presently an SUP use, and propose that indoor recreation and entertainment uses are permitted uses. As outdoor amusement enterprises have the potential for intensified impacts associated with noise and glare, this group of operations is featured in the amendments as requiring SUP approval.

Day care center

Permitted uses in all commercial zones

Although day care centers appear in most commercial zones as permitted uses, staff has added the use in the permitted category in all commercial zones where they do not exist or require administrative SUP approval. The requirement for a pick-up and drop off plan sufficiently limits impacts associated with this use.

Social service use

Special Use Permit (SUP) approval to a permitted use.

Given that a social service use operates identically to by-right business and professional offices and personal service uses, staff recommends transferring social services use from requiring SUP approval to permitted uses in all commercial zones.

Convenience store

Special Use Permit (SUP) approval to a permitted use.

When included in the retail definition as a use, convenience stores would not require SUP approval. The product line of groceries and convenience stores, once unique and distinguishable, have blurred in recent years with grocery operations offering prepared fast food and pharmacy-related items and convenience stores providing more basic food selections to be prepared at home, such as fresh fruits and vegetables, dairy products and meats. Consequently, the typically small-sized convenience stores do not pose any more impacts than a by-right retail grocery store, with operations monitored through the Zoning Ordinance parking and loading requirements and the City Code regulations for noise and property maintenance.

Food and beverage production retail use

Broaden the opportunities for a permitted use.

Presently, a food and beverage production use under 3,500 square feet is considered a permitted retail operation. Any use over 3,500 square feet typically requires SUP approval. Staff proposes an increase to the by-right retail use threshold of 5,000 square feet to provide flexibility for maker spaces which also sell products on-site. The increase of 1,500 square feet would not significantly increase impacts and would allow food and beverage producers more flexibility in selecting tenant spaces that suit their business plan.

SUP minor amendment criteria

Streamline the minor amendment requirements

The existing SUP minor amendment criteria in section 11-511 contains several specific thresholds for administrative SUP approval eligibility. A business expanding its operation is only eligible for administrative review if, for example, it proposes no more than 12 additional restaurant seats, not to exceed 100; no more than two additional hours of operation; or less than a 20% increase in classroom seats. Staff proposes that the specific details related to a business expansion are deleted, relying on the SUP parameters of Section 11-513 to dictate SUP administrative approval eligibility. Otherwise stated, if a business proposes to expand its operation within the standards for a new Administrative SUP, it may be accomplished administratively, if the following criteria are also addressed:

- An expansion does not exceed 33% of floor area;
- The changes are so insignificant that they will have little or no zoning impact on the adjacent properties or the neighborhood;
- There have been no substantiated violations of the special use permit conditions within the last five years;
- The proposed change does not amend or delete conditions that were included to address community concerns.

Home occupation

Allowance for patrons

For consistency, staff proposes that all home occupations are allowed up to two customers at any one time and no more than 12 a day, as those providing in-home instruction are permitted to do. Neighborhood impacts are minimized through the addition of customer visits between the hours of 7 a.m. and 9 p.m., daily.

B. Additional proposed text amendments

As part of the text amendment document, staff has taken the opportunity to not only to recommend revisions for the regulatory review of several uses, but also to ensure that definitions are relevant and updated. If no longer applicable, definitions are proposed for deletion. The overall review of commercial uses has also led to the addition of new uses and the slight amendment of others in the ordinance.

1. Definitions in Article II

Deleted:

Amusement machine; Amusement arcade

Unnecessary to specify as separate uses as these would fall under the new recreation and entertainment use definition.

Nursery school

Outdated term in the Zoning Ordinance and has been replaced with day care center.

*Restaurant, accessory; Restaurant nightclub; Restaurant, coffee or ice cream shop;
Restaurant, smoke-free; Food court*

Unnecessary to specify as terms are not included elsewhere in the zoning ordinance and are cover in the restaurant definition.

Variety goods and Video rental and sales in retail definition
Obsolete references.

Smoking
Not referenced in the Zoning Ordinance and regulated by the state code requirements.

Amended:
Accessory use
Specifying staff method for determining when a use is accessory by applying less than 33% of gross square footage area of the business tenant space as a criterion.

Animal care facility with no overnight accommodation
Added as a personal service which will allow this in all commercial zones and remain a permitted use.

Shopping center redefined as commercial complex
Staff considers the shopping center definition to be overly restrictive as it limits qualifying commercial centers to at least five independent retail businesses with shared parking, and at least 35,000 square feet of floor area in size. Staff finds that common ownership sufficiently mitigates impacts, however, the existing criteria for number of businesses and square footage disqualify most commercial centers in the City. Complaints are rarely submitted for businesses in these settings. To allow more by-right opportunities for restaurants, hotels and outdoor dining at commercial centers, staff proposes amending the shopping center definition using the term, commercial complex and reducing the number of businesses to two, deleting a square footage requirement, and including mixed-use buildings in a commercial or mixed-use zone. Mixed-use buildings also encompass the same common ownership and shared parking features of shopping centers and Development Special Use Permits evaluate the commercial uses that should be a part of the building and their impacts.

Added:
Crematorium
Funeral home
Limited live entertainment
Live entertainment

2. Uses added and amended

Any use with live entertainment
To accommodate any use that proposes live entertainment, as newly defined in Article II, this use has been added as an SUP use in every commercial zone.

Medical care facility

Although the focus of this proposed text amendment is on commercial uses, the Alexandria Health Department requested, as part of its Community Health Improvement Plan Update and P&Z's Zoning for Housing Prioritization Plan, the addition of the medical care facility use to multi-family residential zones to provide conveniently-located options for medical care in areas of residential density. Staff proposes the addition of medical care facilities as an SUP use in the RA/Multifamily, RCX/Medium density apartment, RC/High density apartment, RD/High density apartment and RMF/Residential multifamily zones. Medical care facilities are also SUP uses in commercial zones.

Crematorium

As a use affecting environmental quality, crematoriums have been added to Industrial zone as an SUP use.

Private commercial schools and limit on students

Staff has deleted the restriction of a maximum of 20 students at ground floor commercial space in zones that incorporate commercial centers (e.g. KR, NR, Mount Vernon Overlay). The limitation on number of students is coupled with the requirement that a private commercial school storefront may not exceed 30 feet, which staff retains. It believes the 30-foot frontage restriction is sufficient to maintain a vibrant streetscape.

Use limitation sections

Language is introduced in the commercial zone use limitations sections to ensure that ground level commercial windows remain visually open to create a fluid, interactive space between commercial enterprises and pedestrians.

IV. STAFF RECOMMENDATION

Staff recommends that the Planning Commission initiate and support the text amendments as noted on the attachment to align regulatory approvals with actual neighborhood impacts. The proposed amendments address residents' concern related to noise impacts on residential properties as larger-scale outdoor uses and live entertainment at businesses require SUP approval. The text amendments also respond to the business community's need for quicker and less expensive regulatory processes, which it found important for commercial success prior to March 2020 and is even more critical now as businesses face unprecedented challenges in this changing economic environment.

Staff:

Karl Moritz, Director
Tony LaColla, Division Chief
Ann Horowitz, Principal Planner
Mary Christesen, Principal Planner
Sam Shelby, Urban Planner III
Kaliah Lewis, Senior Planning Technician

Attachments: Proposed Zoning Text Amendments

Attachment #1

ARTICLE II. - DEFINITIONS

2-104 - Accessory use.

A use or structure 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. An accessory use or structure generally occupies less than 33 percent of the principal use or structure's gross floor area and does not change the character of the principal structure or use.

~~2-110 - Amusement arcade.~~

~~An establishment in which are located three or more amusement machines. Up to two amusement machines in any one establishment shall be considered an accessory use. The limitations enumerated herein shall not apply to residential dwelling units with amusement machines for the use of residents thereof.~~

~~2-111 - Amusement enterprise.~~

~~A use devoted to entertainment, such as theaters, bowling alleys, skating rinks, pool and billiard halls, miniature golf courses, dance halls, palm reading parlors, amusement arcades, bingo halls and similar uses.~~

~~2-112 - Amusement machine.~~

~~Any mechanical, electrical or electronic machine or device, which, upon the insertion of a coin, slug, token, plate or disc, may be operated by the public generally for use as an amusement game, whether or not registering a score.~~

2-112.10- 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.

2-112.21 - 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.

2-1132 - Apartment hotel.

A building or portion thereof designed for or containing guest rooms or suites of rooms and dwelling units with or without unit cooking facilities and with or without common kitchen, dining or living facilities for occupancy on a short or long term basis.

2-113.~~4~~ - Arbor.

A freestanding structure consisting of a trellis or interwoven lattice pieces typically covered with climbing shrubs or vines. These structures usually define a point of entry or the division of two places along a path.

2-113.~~21~~ - Architectural feature.

Awnings, cornices, eaves, sills, canopies, gutters, overhangs or similar features (not including bay windows and balconies) that are unenclosed projections that extend beyond an exterior face of a wall or column.

2-113.~~32~~ - Attic.

A space or room, usually with sloping ceilings, created partially or wholly from the space immediately beneath a roof and above the uppermost story of rooms with finished ceilings.

2-129.1 - Congregate recreational facilities.

A **public** use devoted to recreational activities typically or often pursued as a group or team, such as athletic fields, children's play apparatus areas, archery ranges, court game facilities, indoor and outdoor swimming pools, amphitheaters, band shells, and outdoor theaters, not including drive-in theaters.

2-131 - Convenience store:

~~An establishment of 5,000 square feet or less of gross floor area, selling a variety of goods, comprised primarily of food and beverages, generally purchased in small quantities. It is the intention of this definition not to include small grocery, specialty or gourmet stores and to include quick service retail establishments which are characterized by high traffic generation and rapid turnover of customers.~~

2-131.~~4~~ - Co-ordinate station.

A station established under the provisions of sections 55-287 through 55-297 of the Code of Virginia and its amendments, known as the Virginia Co-ordinate System. as based on the co-ordinate positions established by the U.S. Coast and Geodetic Survey and extended by others with the approval of the director of transportation and environmental services, which has been

permanently marked or so referenced to provide for the replacement at the exact position originally established.

2-131.1 – Crematorium.

A facility containing a furnace which is designed and licensed by the Commonwealth of Virginia for cremation of either animal or human remains. A crematorium shall not be considered an accessory use to a funeral home.

2-146.1 – Food court.

A food court is a restaurant use distinguished by common seating, more than one vendor and a common entrance. A food court shall contain at least three vendors, of which at least two shall be vendors of quick, carry-out type foods. A food court may include one or more full service restaurants, provided that the number of seats set aside for exclusive seating for full service restaurants shall not exceed 50 percent of the food court's total seating. Except as otherwise expressly provided by special use permit condition, not more than one full service restaurant shall be permitted within a food court and not more than two thirds of the food court vendors (including any full service restaurants) may offer alcoholic beverages for consumption on the premises. For purposes of this section, a full service restaurant is a restaurant use with any of the following characteristics: exclusive seating, distinct bar area or areas, host/hostess seating of patrons, waiter/waitress service at table, menu cards for individual ordering at table, or table settings of silverware, glassware and/or table linens. For purposes of this section, exclusive seating means seating attended by waiters/waitresses employed by or under the control of a full service restaurant. This definition shall apply to any existing uses specifically approved by special use permit as a food court or food court restaurant prior to June 28, 1994, and, as to past and future food court approvals, shall preempt any descriptions in applications or representations but shall not preempt express conditions of the approval therefor.

2-148.2 – Funeral home.

Establishments used for undertaking services such as burial preparation and where funeral services may be arranged and held. A crematorium shall not be considered an accessory use to a funeral home.

2-153.1 – Health and athletic club or fitness studio.

An establishment which ~~as its primary purpose~~ provides facilities, equipment and/or programs for exercise, athletics, and/or fitness, and ~~typically includes equipment for class~~

~~exercises, ball court games, running and jogging, weight and strength training, swimming, and saunas, as well as showers and locker rooms. Accessory massage and similar services may be provided. Such establishments may be open only to members and their guests on a membership basis in both individual and class formats.~~

2.164.1 - Live entertainment.

Entertainment as the primary attraction at a commercial use. Event advertising and admission or a cover fee are associated with live entertainment.

2.164.2 - Limited live entertainment.

Entertainment as subordinate to the principal function of a commercial use. Background entertainment that does not require an admission or cover fee are associated with limited live entertainment.

2-178 – Nursery school.

~~A place operated primarily for educational instruction for six or more children from two through six years of age away from their home for up to three hours per day, whether or not for compensation.~~

2-181.2.1 – Outdoor Dining.

An open-air seating area associated with uses that sell prepared food including, but not limited to, restaurants and food trucks.

2-181.2.2 – Outdoor Market.

An open-air market held on a regular or seasonal basis, where individual sellers offer goods or services, new or used, for sale to the public. The outdoor market use shall not include garage sales, outdoor display or sales associated with retail establishments that are principally located in indoor facilities, or vehicle sales, rental or leasing facilities.

2-183.1 - Personal service establishment.

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

Animal care facility with no overnight accommodation;

2-187 - Private school, commercial.

A ~~school use~~ devoted to giving instruction in vocational, professional, musical, dramatic, artistic, athletic, or other special subjects, **with the exception of fitness studios**, in a class format and typically operated for commercial gain.

2-188.1 – Recreation and entertainment use.

Commercial uses for indoor or outdoor participation in or observation of games, arts, culture, recreation or similar activities. Recreation uses in this definition are other than those listed in Section 2-129.1 for congregate recreational facilities. Recreation and entertainment uses include but are not limited to:

Amusement parks;

Athletic fields;

Billiard halls;

Bowling alleys;

Children's play areas;

Court game facilities;

Game rooms;

Golf courses, miniature or otherwise, and driving ranges;

Skating rinks;

Swimming pools;

Theaters;

Video arcades.

2-190.1 – Restaurant, accessory.

~~A use involving the sale or presentation of food and beverages which is clearly subordinate in area, extent, and purpose to an approved principal use and which is customarily found in connection with and serving that principal use. Typically, an accessory restaurant is not larger than 33 percent of the floor area of the entire business; does not offer table or~~

~~delivery service; does not have hours of operation longer than the principal use; and does not have a separate entrance.~~

~~2-190.2—Restaurant, nightclub.~~

~~A restaurant where entertainment, live or otherwise, predominates over food service, becoming the principal use for at least during part of the business' operations, with or without dancing, and typically involving a cover or other charge for admission and event advertising.~~

~~2-190.3—Restaurant, coffee or ice cream shop.~~

~~A small restaurant, typically no more than 2,000 square feet in area, where the principal business is either the sale of coffee and other hot beverages or the sale of ice cream, frozen yogurt or other related confections. Pastries, baked goods, cold beverages, sandwiches and other light fare may also be sold incidental to the service of coffee, and other confections, but no alcohol is served, no entertainment takes place and no significant cooking, other than the application of heat by microwave, electric burner, espresso machine, the heating of soup or the boiling of water, typically takes place.~~

~~2-190.4—Restaurant, smoke-free.~~

~~A restaurant which does not permit patron or employee smoking within or on the premises, including without limitation in any bar, lounge, dining, waiting, storage or other enclosed area, or area under permanent roof or cover, and which does not permit patron or employee smoking within areas, or at seats or tables, located in the public right-of-way and used or controlled by the restaurant under license or permit from the city.~~

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:

Food and beverage production (limited to a maximum of ~~3,500~~ 5,000 square feet);

Groceries and convenience stores;

~~Variety goods;~~

~~Video rental and sales;~~

2-193.1 - ~~Shopping center~~ Commercial Complex.

A building or ~~complex~~ group of buildings, including mixed-use buildings, in a commercial or mixed-use zone and under common ownership and control which includes at least ~~five~~ two ~~independent retail~~ commercial businesses and provides shared parking, ~~and is at least 35,000 square feet of floor area in size.~~

~~2-193.2 - Smoking.~~

~~The act of smoking or carrying a lighted or smoldering cigar, cigarette or pipe of any kind, or lighting a cigar, cigarette or pipe of any kind.~~

ARTICLE III – RESIDENTIAL ZONE REGULATIONS

DIVISION B – TOWNHOUSE AND MULTIFAMILY ZONES

Sec. 3-600 - RA/Multifamily zone.

3-603 - Special uses.

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

~~(E) Nursery school;~~

~~(FE)~~ Nursing or convalescent home or hospice;

~~(F.1) Outdoor food and crafts~~ market;

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

3-803 - Special uses.

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

~~(E) Nursery school;~~

~~(FE)~~ Nursing or convalescent home or hospice;

(F) Outdoor dining;

(F.1) Outdoor ~~food and crafts~~ market;

(J) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

~~(4) Convenience store;~~

~~(4.1)~~ Day care center;

(7) Grocery store **or convenience store**, where products are not prepared or consumed on premises;

(8) Health and athletic club or fitness **studio**;

(8.1) Medical care facility;

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

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

(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:

(5) Grocery **or convenience** store, where products are not prepared or consumed on the premises;

(6.1) Health and athletic club or fitness **studio**;

3-903 - Special uses.

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

(G.1) Outdoor ~~food and crafts~~ market;

(K) The following commercial uses in a multifamily building of four or more stories in height if limited to an area the size of the first floor or a floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

~~(4) Convenience store;~~

~~(4.1) Day care center;~~

(7) Grocery store **or convenience store**, where products are not prepared or consumed on premises;

(8) Health and athletic club or fitness **studio**;

(8.1) Medical care facility;

(8.2) Outdoor dining;

Sec. 3-1000 - RD/High density apartment zone.

3-1002 - Special uses.

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

(B.1) Medical care facility

(C.1) Outdoor ~~food and crafts~~ market;

(C.2) Outdoor dining;

Sec. 3-1400 - RMF/Residential multifamily zone.

3-1403 - Special uses.

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

(C) The following uses shall be permitted with a special use permit within a multifamily building on the ground floor:

(3) Health and athletic club or fitness **studio**;

~~**(4) Convenience store;**~~

(4) Medical care facility;

(5) Outdoor dining;

3-1409 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

ARTICLE IV. - COMMERCIAL, OFFICE AND INDUSTRIAL ZONES

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

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

(F.1) Health and athletic club or fitness studio;

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

(J.1) Restaurant located within a ~~shopping center~~ **commercial complex;**

(L.1) Social service use;

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~~ **commercial complex;**

~~(A.1) Health and athletic club;~~

~~(A.2B)~~ Restaurant;

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-103 - Special uses.

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

(A.1) Any use with live entertainment;

(A.12) Bus shelter on private property;

(F.1) Health and athletic club, other than pursuant to section 4-102.1(A.1);

(I) Reserved Medical care facility;

(J.1) Outdoor dining, other than pursuant to sections 4-102 and 4-102.1;

(J.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-102.1;

(J.23) Outdoor garden center, other than pursuant to section 4-102.1;

(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.

(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~~ **1000** feet of the use served.

(I) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

(F.1) Health and athletic club or fitness studio;

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

(I.1) Restaurant located within a ~~shopping center~~ **commercial complex** or hotel;

(K.1) Social service use;

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~~ **commercial complex**;

~~(A.1) Health and athletic club;~~

(A.21) Restaurant;

(D) Outdoor ~~food and crafts~~ market;

4-203 - Special uses.

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

(A.1) Any use with live entertainment;

(A.12) Automobile service station;

(D) Convenience store~~Reserved~~;

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

(M) ~~Reserved~~**Medical care facility;**

(M.1) Outdoor dining, other than pursuant to sections 4-202 and 4-202.1;

(N.1) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-202.1;

~~(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.

(H) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

(F.1) Health and athletic club or fitness studio;

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

(J.1) Restaurant located within a ~~shopping center~~ **commercial complex** or hotel;

(K.1) Social service use;

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~~ **commercial complex**;

~~(A.1) Health and athletic club;~~

(A.2 1) Restaurant;

(D) Outdoor ~~food and crafts~~ market;

4-303 - Special uses.

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

(A.1) Any use with live entertainment;

~~(A.12)~~ Automobile service station;

(B.1) Food and beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;

(G) ~~Convenience store~~Reserved;

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

(R) ~~Reserved~~Medical care facility;

(S.1) Outdoor-dining, other than pursuant to sections 4-302 and 4-302.1;

(S.~~12~~) Outdoor-~~food and crafts~~ market, other than pursuant to section 4-302.1;

(S.~~23~~) Outdoor garden center, other than pursuant to section 4-302.1;

~~(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;

~~(AA) Social service use;~~

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

~~(CCBB)~~ Wholesale business.

4-307 - Use limitations.

(H) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

Sec. 4-400 - CG/Commercial general zone

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

~~(E.1) Convenience store within an office complex;~~

(E.21) Day care center;

(E.32) Health and athletic club or fitness studio ~~located within a shopping center commercial complex, hotel or office complex;~~

(F.1) Outdoor dining located on private property at a commercial complex;

(J.1) Recreation and entertainment uses, indoor;

(J.12) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

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~~ commercial complex;

(A.1) Restaurant;

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

(D) Outdoor ~~food and crafts~~ market;

4-403 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(D.1) Food and beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;

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

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

(V.1) Outdoor dining, other than pursuant to sections 4-402 and 4-402.1;

(V.~~12~~) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-402.1;

(V.~~23~~) Outdoor garden center, other than pursuant to section 4-402.1;

~~(Y) Restaurant, other than pursuant to section 4-402(J.1) or 4-402.1~~ Recreation and entertainment use, outdoor;

(Z) Rooming house~~;~~

~~(AA) Social service use.~~

4-407 - Use limitations.

~~(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

(G.1) Health and athletic club or fitness studio;

(H.2) Outdoor dining located on private property at a commercial complex;

(L.1) ~~Reserved~~ **Recreation and entertainment use, indoor;**

(N.1) Social service use;

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~~ **commercial complex;**

~~(A.1) Health and athletic club;~~

~~(A.2) Reserved;~~

(C) Outdoor ~~food and crafts~~ market;

4-503 - Special uses.

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

~~(A) Amusement enterprise~~ **Any use with live entertainment;**

(B.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(K) Health and athletic club, other than pursuant to section 4-502.1(A.1)~~ Reserved;

(T.1) Outdoor dining, other than pursuant to sections 4-502 and 4-502.1;

(T.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-502.1;

(T.23) Outdoor garden center, other than pursuant to section 4-502.1;

(W) ~~Restaurant, other than pursuant to section 4-502.1~~ Recreation and entertainment use, outdoor;

~~(Y) Social service use;~~

(ZY) Tourist home;

(AAZ) Wholesale business.

4-507 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-602 - Permitted uses.

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

(E.1) Health and athletic club or fitness studio;

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

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

(K.1) Restaurant located within a ~~shopping center~~ **commercial complex** or hotel;

(L.1) Social service use;

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~~ **commercial complex**;

~~(A.1) Health and athletic club;~~

(A.21) Restaurant;

(D) Outdoor ~~food and crafts~~ market;

4-603 - Special uses.

~~(A) Amusement enterprise~~ **Any use with live entertainment;**

(B.1) Food and beverage production exceeding ~~3,500~~ **5,000** square feet, which includes a retail component;

~~(J) Health and athletic club, other than pursuant to section 4-602.1(A.1)~~ **Reserved;**

(R.1) Outdoor-dining, other than pursuant to sections 4-602 and 4-602.1;

(R.~~12~~) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-602.1;

(R.~~23~~) Outdoor garden center, other than pursuant to section 4-602.1;

(U) ~~Restaurant, other than pursuant to section 4-602(K-1) or 4-602.1~~ **Recreation and entertainment use, outdoor;**

~~(W) Social service use;~~

~~(XW)~~ Tourist home;

~~(YX)~~ Wholesale business.

4-607 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-702 - Permitted uses.

The following uses are permitted in the CR zone:

(A) ~~Amusement enterprise~~ **Recreation and entertainment use, indoor and outdoor;**

~~(A.1) Animal care facility with no overnight accommodation;~~

~~(A.21)~~ Day care center;

(B) Health and athletic club or fitness **studio;**

(E.1) ~~Reserved~~ **Outdoor dining located on private property at a commercial complex;**

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~~ **commercial complex**;

- (D) Outdoor ~~food and crafts~~ market;

4-703 - Special uses.

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

- (A.2) Food and beverage production exceeding ~~3,500~~ **5,000** square feet, which includes a retail component;

- (C) ~~Reserved~~ **Any use with live entertainment**;

- (I) ~~Reserved~~ **Medical care facility**;

- (J) ~~Reserved~~ **Outdoor dining, other than pursuant to sections 4-702 and 4-702.1**;

- (K) Outdoor market, other than pursuant to section 4-702.1**;

- (L) Outdoor garden center, other than pursuant to section 4-702.1**.

4-707 - 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) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

~~(E.1) Convenience store within an office complex;~~

(E.21) Day care center;

(E.32) Health and athletic club or fitness studio ~~located within a shopping center, hotel or office complex;~~

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

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

(K.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

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~~
commercial complex;

~~(A.1) Health and athletic club~~;

~~(A.2B)~~ Restaurant;

~~(B) Reserved~~;

(D) Outdoor ~~food and crafts~~ market;

4-803 - Special uses.

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

(A) ~~Amusement enterprise~~**Any use with live entertainment**;

(C.1) Food and beverage production exceeding ~~3,500~~**5,000** square feet, which includes a retail component;

(G) ~~Convenience store other than pursuant to section 4-802(E.1)~~**Reserved**;

(M) ~~Health and athletic club, other than pursuant to section 4-802(E.3) or 4-802.1(A.1)~~**Reserved**;

(W.1) Outdoor dining, other than pursuant to sections 4-802 and 4-802.1;

~~(W.12)~~ Outdoor ~~food and crafts~~ market, other than pursuant to section ~~4-802.1~~;

~~(W.23)~~ Outdoor garden center other than pursuant to section 4-802.1;

(AA) ~~Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1~~**Recreation and entertainment use, outdoor**;

~~(CC) Social service use;~~

~~(DDCC)~~ Wholesale business.

4-807 - Use limitations.

~~(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

4-902 - Permitted uses.

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

~~(C) Animal care facility with no overnight accommodation;~~

~~(C.1)~~ Business and professional office;

~~(E.1) Convenience store within an office complex;~~

~~(E.21)~~ Day care center;

~~(E.32) Health and athletic club or fitness studio located within a shopping center commercial complex, hotel or office complex;~~

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

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

(K.1) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(L.1) Social service use;

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~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2B) Restaurant;~~

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-903 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

~~(G) Convenience store, other than pursuant to section 4-902(E.1);~~

~~(M) Health and athletic club, other than pursuant to section 4-902(E.3) or 4-902.1(A.1)~~ Reserved;

(W.1) Outdoor dining, other than pursuant to sections 4-902 and 4-902.1;

(W.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-902.1;

(W.23) Outdoor garden center, other than pursuant to section 4-902.1;

(AA) ~~Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;~~ Recreation and entertainment use, outdoor;

~~(CC) Social service use;~~

~~(DDCC)~~ Wholesale business.

4-906 - Use limitations.

(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

4-1002 - Permitted uses.

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

~~(C) Animal care facility with no overnight accommodation;~~

~~(C.1)~~ Business and professional office;

~~(E.1) Convenience store within an office complex;~~

(E.21) Day care center;

(E.32) Health and athletic club or fitness studio ~~located within a shopping center commercial complex, hotel, industrial or flex space center or office complex;~~

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

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

(K.1) Restaurant, located within a ~~shopping center~~ **commercial complex**, hotel or industrial or flex space center;

(L.1) Social service use;

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~~ **commercial complex**;

~~(A.1) Health and athletic club;~~

~~(A.2B) Restaurant;~~

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-1003 - Special uses.

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

(A) ~~Amusement enterprise~~ **Any use with live entertainment;**

(C.1) Food and beverage production exceeding ~~3,500~~ **5,000** square feet, which includes a retail component;

~~(G) Convenience store, other than pursuant to section 4-1002(E.1)~~ Reserved;

~~(M) Health and athletic club, other than pursuant to section 4-1002(E.3) or 4-1002.1(A.1)~~ Reserved;

(W.1) Outdoor dining, other than pursuant to sections 4-1002 and 4-1002.1;

(W.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-1002.1;

(W.23) Outdoor garden center, other than pursuant to section 4-1002.1;

~~(AA) Restaurant, other than pursuant to sections 4-1002(K.1) and 4-1002.1~~ Recreation and entertainment use, outdoor;

~~(CC) Social service use;~~

~~(DDCC)~~ Wholesale business.

4-1006 - Use limitations.

~~(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

~~(C) Animal care facility with no overnight accommodation;~~

(C.1) Business and professional office;

~~(E.1) Convenience store within an office complex;~~

(E.21) Day care center;

(E.32) Health and athletic club or fitness studio ~~located within a shopping center, hotel, industrial or flex space building or office complex;~~

(I.2) Outdoor dining located on private property at a commercial complex;

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

(L.12) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(N.1) Social service use;

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~~ commercial complex;

~~(A.1) Health and athletic club;~~

~~(A.2B)~~ Restaurant;

~~(B) Reserved;~~

(D) Outdoor ~~food and crafts~~ market;

4-1103 - Special uses.

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

(A) ~~Amusement enterprise~~ Any use with live entertainment;

(C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

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

(L) ~~Health and athletic other than pursuant to section 4-1102(E.3) or 4-1102.1(A.1)~~ Reserved;

(S) ~~Reserved~~ Medical care facility;

(T.1) Outdoor dining, other than pursuant to sections 4-1102 and 4-1102.1;

(T.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 4-1102.1;

(T.23) Outdoor garden center, other than pursuant to section 4-1102.1;

(W) ~~Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1~~ Recreation and entertainment use, outdoor;

(Z) ~~Social service use~~;

(AAZ) Wholesale business.

4-1106 - Use limitations.

(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls,~~

window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

Sec. 4-1200 - I/Industrial zone.

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

(L) Health and athletic club or fitness **studio**;

(Q.2) Outdoor dining located on private property at a commercial complex;

(V.1) Restaurant located within a ~~shopping center~~ **commercial complex** or hotel;

(W.1) Social service use;

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:

(D) Outdoor ~~food and crafts~~ market;

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

4-1203 - Special uses.

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

(A.1) ~~Amusement enterprise~~ Any use with live entertainment;

(F) ~~Convenience store~~ Crematorium;

(P.1) Outdoor dining, other than pursuant to sections 4-1202 and 4-1202.1;

(P.12) Outdoor ~~food and craft~~ market, other than pursuant to section 4-1202.21;

(P.23) Outdoor garden center, other than pursuant to section 4-1202.1;

(R.1) ~~Restaurant, other than pursuant to section 4-1202(V.1) or 4-1202.1~~ Recreation and entertainment use, outdoor;

4-1206 - Use limitations.

(D) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

4-1403 - Permitted uses.

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

(3) Banks, business and professional offices, medical laboratory, health profession offices, social service uses 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~~ commercial complex or

hotel;

(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~~Recreation and entertainment use, indoor;

(8) Health and athletic club or fitness studio if located within a ~~shopping center commercial complex~~, hotel or office complex or with a frontage of less than 30 feet along Mount Vernon Avenue;

(10) Outdoor dining located on private property at a commercial complex.

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

(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~~
commercial complex;

(C) Outdoor ~~food and crafts~~ market;

~~(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~~ Any use with live entertainment;

(B) Banks, business and professional offices, medical laboratories, health profession offices, social service uses and laundromats, other than pursuant ~~{to}~~ section 4-1403(A)(3);

(C) ~~Convenience store~~ Medical care facility;

(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;

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

(I.1) Outdoor dining, other than pursuant to section 4-1403.1:

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

(M) ~~Restaurant, other than pursuant to sections 4-1403(A)(4) and 4-1403.1(A.1)~~
Recreation and entertainment use, outdoor;

(P) Health and athletic club or fitness studio, other than pursuant to sections 4-1403(A)(8);
~~or 4-1403.1(I)~~

(R) Outdoor garden center, other than pursuant to section 4-1403.1(B);

(S) Public building;

~~(U) Social service use.~~

4-1413 - Use limitations.

(G) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

ARTICLE V. - MIXED USE ZONES

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

5-102 - Permitted uses.

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

~~(C.1) Convenience store within an office complex;~~

(C.21) Day care center;

(C.32) Health and athletic club or fitness studio ~~located within a shopping center commercial complex, hotel or office complex;~~

(E.2) Outdoor dining located on private property at a commercial complex;

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

(G.12) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(H.1) Social service use;

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;

(D) Outdoor ~~food and crafts~~ market;

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~~ Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;

(E) ~~Convenience store, other than pursuant to section 5-102(C.1)~~ Reserved;

(H) ~~Health and athletic club, other than pursuant to section 5-102(C.3) or 5-102.1(A)~~ Reserved;

(J.1) Medical care facility;

(K.1) Outdoor dining, other than pursuant to sections 5-102 and 5-102.1;

(K.~~12~~) Outdoor ~~food and crafts~~ market, other than pursuant to section 5-102.1;

(K.~~23~~) Outdoor garden center, other than pursuant to section 5-102.1;

(N) ~~Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1;~~ Recreation and entertainment use, outdoor;

(O) Retail shopping establishment, larger than 20,000 gross square feet;

~~(P) Social service use.~~

5-108 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-105.

(A) The following uses shall be considered retail:

(1) ~~Amusement enterprise~~ Recreation and entertainment use;

(2) Health and athletic club or fitness studio;

5-110 - Use limitations.

- (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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

5-202 - Permitted uses.

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

~~(C.1) Convenience store within an office complex;~~

(C.2~~1~~) Day care center

(C.3~~2~~) Health and athletic club or fitness studio ~~located within a shopping center, hotel or office complex;~~

(E.2) Outdoor dining located on private property at a commercial complex;

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

(G.4~~2~~) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(H.1) Social service use;

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;

(D) Outdoor ~~food and crafts~~ market;

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~~ Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(E) ~~Convenience store, other than pursuant to section 5-202(C.1)~~ Reserved;

(H) ~~Health and athletic club, other than pursuant to section 5-202(C.3) or 5-202.1(A)~~ Reserved;

(J.1) Medical care facility;

(L.1) Outdoor dining, other than pursuant to sections 5-202 and 5-202.1;

(L.~~12~~) Outdoor ~~food and crafts~~ market, other than pursuant to section 5-202.1;

(L.~~23~~) Outdoor garden center, other than pursuant to section 5-202.1;

(N) ~~Restaurant, other than pursuant to section 5-202(G.1) or 5-202.1(A.1)~~ Recreation and entertainment use, outdoor;

(O) Retail shopping establishment, larger than 20,000 gross square feet;

~~(P) Social service use.~~

5-208 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-205.

(A) The following uses shall be considered retail:

(1) ~~Amusement enterprise~~ Recreation and entertainment use;

(2) Health and athletic club or fitness studio;

5-210 - Use limitations.

(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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

5-302 - Permitted uses.

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

~~(C.1) Convenience store within an office complex;~~

(C.21) Day care center;

(C.32) Health and athletic club or fitness studio ~~located within a shopping center, hotel or office complex;~~

(E.2) Outdoor dining located on private property at a commercial complex;

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

(G.12) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(H.1) Social service use;

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;

(D) Outdoor ~~food and crafts~~ market;

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~~ Any use with live entertainment;

(B.1) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(E) ~~Convenience store, other than pursuant to section 5-302(C.1)~~ Reserved;

(H) ~~Health and athletic club, other than pursuant to section 5-302(C.3) or 5-302.1(A)~~
Reserved;

(J.1)-Medical care facility;

(L.1) Outdoor dining, other than pursuant to sections 5.302 and 5-302.1;

(L.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 5-202.1;

(L.23) Outdoor garden center, other than pursuant to section 5-202.1;

(N) ~~Restaurant, other than pursuant to section 5-302(G.1) or 5-302.1(A.1)~~ Recreation and entertainment use, outdoor;

(O) Retail shopping establishment, larger than 20,000 gross square feet;

~~(P) Social service use.~~

5-308 - Calculation of floor area ratio and uses.

The following rules shall apply for the purpose of calculating the mix of uses under section 5-305.

(A) The following uses shall be considered retail:

(1) ~~Amusement enterprise~~ Recreation and entertainment use, outdoor;

(2) Health and athletic club or fitness studio;

5-310 - Use limitations.

(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. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent~~

retailers from displaying their goods in display cases that are oriented towards the street frontage.

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.8) Recreation and entertainment use, indoor;

(A.89) Retail shipping establishment, up to 20,000 gross square feet;

(F) Health and athletic club or fitness studio;

(G) Social service use.

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;

(D) Outdoor ~~food and crafts~~ market;

5-403 - Special uses.

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

(B) Amusement enterpriseAny use with live entertainment;

(C) Animal care facility with no overnight accommodation;

(C.1) Apartment hotel;

(C.21) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

(G) ~~Convenience store~~Reserved;

(J) ~~Health and athletic club, other than pursuant to section 5-402.1(A)~~Reserved;

(P.1) Outdoor dining, other than pursuant to sections 5.402 and 5-402.1;

(P.12) Outdoor ~~food and crafts~~ market, other than pursuant to section 5-402.1;

(P.23) Outdoor garden center, other than pursuant to section 5-402.1;

(V) ~~Restaurant, other than pursuant to section 5-402.1~~ **Recreation and entertainment use, outdoor;**

(W) Retail shopping establishment, larger than 20,000 gross square feet;

~~(X) Social service use.~~

5-410 - Use limitations.

[Reserved.]

(A) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

5-502 - Permitted uses.

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

(C.2) Private school, commercial, ~~with a maximum of 20 students on the premises at any one time and~~ pursuant to section 5-509;

(I) Day care center, pursuant to section 5-509;

(J) Health and athletic club or fitness studio, pursuant to section 5-509.

5-502.1 - Administrative special uses.

The following uses may be allowed in the W-1 zone with administrative approval, subject to section 11-513 of this ordinance.

(A) Valet parking;

(B) Restaurant;

(C) Outdoor dining;

(D) Outdoor market.

5-503 - Special uses.

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

(D) ~~Health and athletic club~~ Any use with live entertainment;

(F) ~~Nursery school~~ Outdoor dining other than pursuant to sections 5-502 and 5-502.1;

(G) Outdoor ~~food and crafts~~ market other than pursuant to section 5-502.1;

(J) ~~Restaurant~~Reserved;

5-511 - Use limitations.

~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses.~~

(A) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent.

This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

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

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

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

Table 1. Coordinated Development Districts

CDD 25- ABC Giant/Old Town North

With a CDD Special Use Permit – Uses

Multifamily dwelling; day care center; health and athletic club or fitness **studio**; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining; pet supplies, grooming, training with no overnight accommodation; private school, academic or commercial, with more than 20 students on the premises at any one time; restaurant; retail shopping establishment; and valet parking.

CDD 26 – Public Storage/Boat US

With a CDD Special Use Permit – Uses

Multifamily dwelling; self-storage/warehouse; animal care facility with no overnight accommodation; catering; glass shop; health and athletic club or fitness **studio**; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; machine shop; manufacturing; massage establishment; motor vehicle parking or storage; outdoor dining; personal service establishment; printing and publishing services; private school, academic or commercial, with more than 20 students on the premises at any one time; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; valet parking; and wholesale.

CDD 27 - Greenhill/West Alexandria Properties

With a CDD Special Use Permit – Uses

Multifamily dwelling; ~~Amusement enterprise~~ **Recreation and entertainment use**; active and/or congregate recreational facilities; animal care facility with no overnight accommodation; automobile and trailer rental or sales area; business and professional office; ~~convenience store~~; day care center; health and athletic club or fitness **studio**; hotel; home for the elderly; improved outdoor recreational facilities

intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; medical office; outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions; public school; restaurant; retail shopping establishment; and valet parking.

CDD 27 - Greenhill/West Alexandria Properties

With a CDD Special Use Permit – Uses

Multifamily dwelling; ~~amusement enterprise~~ **Recreation and entertainment use**; active and/or congregate recreational facilities; business and professional office; ~~convenience store~~; day care center; health and athletic club or fitness **studio**; home for the elderly; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions; public school; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; and valet parking.

- (E) Within each CDD, the following uses are permitted unless in specific conflict with the approved CDD concept plan or DSUP:

~~(1) — Convenience store in an office complex.~~

~~(21)~~ Health and athletic club or fitness **studio** in an office complex.

~~(32)~~ Day care center.

ARTICLE VI. - SPECIAL AND OVERLAY ZONES

Sec. 6-100 - POS/Public open space and community recreation zone.

6-105 - Special uses.

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

(H) Outdoor ~~food and crafts~~ market;

Sec. 6-200 - WPR/Waterfront park and recreation zone.

6-202.1 - Administrative special uses.

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

(A) Restaurant;

(B) Outdoor dining;

(C) Outdoor market.

6-203 - Special uses.

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

(A) Any use with live entertainment;

(A.1) Bike rental;

(D) Outdoor ~~food and crafts~~ market, other than pursuant to section 6-202.1;

(E) Outdoor dining, other than pursuant to section 6-202.1;

(~~E~~F) Privately owned public use buildings such as civic auditoriums or performing arts centers;

(F) Restaurants, including outdoor cafes.

Sec. 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:

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

~~Convenience store;~~

Health and athletic club or fitness studio;

~~Animal care facility with no overnight accommodation;~~

Social service use;

~~Amusement enterprise~~ Recreation and entertainment use;

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

6-603 - Uses.

- (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~~ Recreation and entertainment use, 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:

- (3) ~~Amusement enterprise~~ Recreation and entertainment use, as limited in section (B)(1) above.

- (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.

- (3) ~~Amusement enterprise, limited to live theater;~~
- (4) Outdoor ~~food and crafts~~ markets;

Sec. 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;~~

(a.1) Day care center with frontage 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;

(d.1) Recreation and entertainment use, indoor, with frontage of less than 30 feet along King Street;

~~(g) Accessory uses;~~

(h) Health and athletic club or fitness studio with frontage of less than 30 feet along King Street.

(2) *Special uses:*

~~(a) Amusement enterprise~~ **Any use with live entertainment;**

(b) Food and beverage production, exceeding ~~3,500~~ **5,000** square feet, which includes a retail component;

(d) ~~Convenience store~~Reserved;

(e) ~~Health and athletic club~~ Day care center extending for more than 30 feet along King Street;

(g) Outdoor~~food and craft~~ market, other than pursuant to section 6-702(C);

(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;

(k) ~~Restaurant, other than pursuant to section 6-702(C)~~ Recreation and entertainment use, outdoor;

(B) *Upper floor uses.*

(1) *Permitted uses:*

(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;

(h) Social service use.

(2) *Special uses:*

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

~~(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~~Outdoor market;

(3) Restaurant (~~ground floor only~~);

6-707 - Use limitations.

(F) The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

ARTICLE VII. - SUPPLEMENTAL ZONE REGULATIONS

Sec. 7-300 - Home occupations.

7-302 - Prohibited occupations.

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

(H) ~~Nursery school~~ Day care center;

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.~~ Up to two employees are permitted on-site.

(D) ~~There shall be no customers or clients permitted except in the case of instruction to students in which case~~ The number of patrons or students shall be limited to a total of 12 per day with no more than two patrons or students present at any one time. Patrons or students may visit the home occupation between the hours of 7 a.m. and 9 p.m., daily.

ARTICLE VIII. - OFF-STREET PARKING AND LOADING

Sec. 8-200 - General parking regulations.

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

(13) ~~*Amusement enterprise*~~ ***Recreation and entertainment use (indoor)***: one space for each 200 square feet of floor area on all floors.

(14) ~~*Amusement enterprise*~~ ***Recreation and entertainment use (outdoor)***: one space for each 400 square feet of designated use area. For the purposes of this section, designated use area does not include areas devoted exclusively to landscaping or parking.

(16) *Specific commercial uses:*

(c) The following uses are specific commercial for the purposes of determining parking requirements:

iii. Convenience store ~~**Reserved.**~~

(17) *Restaurant:*

(c) For portions of a restaurant devoted to outdoor dining, the area occupied by the first 20 outdoor seats shall be exempt from the parking requirement. **The area occupied by each seat over 20 shall be calculated as 15 square feet per seat.**

(18) Miscellaneous commercial uses, including, but not limited to, equipment and repair businesses, health and athletic club or fitness **studios**, garden centers, outdoor ~~food~~ ~~and crafts~~ markets, and funeral homes and all other commercial uses not otherwise defined: one space for each 400 square feet of floor area.

Sec. 8-400 - King Street Transit Parking District.

- (B) *Requirements.* Within the King Street transit parking district, the following regulations shall apply to off-street parking; uses not listed shall provide parking pursuant to section 8-200(A):

- (8) Hotel or office building projects with retail, restaurant or ~~amusement~~ **enterpriserecreation and entertainment use, indoor,** as ancillary uses. No parking shall be required for the first 10,000 square feet of floor area for restaurants, for the first 10,000 square feet of floor area for retail uses and for the first 1,000 square feet of floor area for ~~amusement~~ **enterpriserecreation and entertainment use, indoor;** provided, that such uses occupy not more than 25 percent of the total floor area of the mixed use building project. Parking for the excess floor area for such ancillary uses above 25 percent shall be provided pursuant to section 8-200(A).

ARTICLE XI. - DEVELOPMENT APPROVALS AND PROCEDURES

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.*

(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) — A maximum of 12 additional restaurant seats not to exceed 100 seats maximum;~~

~~(c) — Twenty percent additional classroom seats;~~

~~(d) — Twenty percent additional equipment;~~

~~(e)~~ Up to 33 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.~~

(ed) The proposed change does not amend or delete conditions that were included to address community concerns.

11-513 - Administrative special use permit.

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

(C) *General standards for all administrative uses:*

(2) The applicant shall provide information about alternative forms of transportation to access the ~~location of the use~~site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.

(3) The applicant shall encourage its employees ~~and customers~~ to use ~~mass transit~~public transportation or to carpool when to traveling to and from work; ~~by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.~~

~~(6) The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.~~

~~(7)~~ Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.

~~(8) The applicant shall contact the crime prevention unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business.~~

~~(9)~~ Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.

~~(10)~~ The use must comply with the city's noise ordinance. ~~No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.~~

~~(11)~~ The administrative permit approved by the director pursuant to this section 11-513 shall be displayed in a conspicuous and publicly accessible place. A certificate

provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards associated with the permit shall be kept on the premises and made available for examination by the public upon request.

- (120) Improvements may be required to the facade or the front of the business establishment, including landscaping and site improvements, consistent with design guidelines and principles enumerated in the adopted small area plan for the neighborhood, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that plan.
- (131) The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and methods to prevent underage sales of alcohol.
- (142) The director may require conditions additional to those listed in the standards of this section if the director finds it to be reasonable to support the use and its compatibility with surrounding uses and the neighborhood.
- (153) The request will not significantly and negatively impact nearby residential neighborhoods.
- (164) 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.

(D) *Specific standards for day care in a church or school building.*

- (2) The facility shall provide adequate drop off and pick up facilities so as to create minimal impact on child safety and pedestrian and vehicular traffic.

(E) *~~Specific standards for live theater:~~Reserved.*

- ~~(1) The applicant may offer limited wine and beer sales in conjunction with performances at the intermission or one hour before the performances commence, with the appropriate licenses as required by law.~~
- ~~(2) The applicant may offer wine and beer in conjunction with a show opening or other wine and cheese event, with the appropriate licenses as required by law. A maximum of one event each month is permitted.~~
- ~~-(3) The hours of performances shall be limited to 11:00 a.m. to 11:00 p.m. daily.~~

(F) *Specific standards for outdoor ~~food and crafts~~ markets:*

- ~~(1) No alcohol sales shall be permitted~~On and off premises alcohol sales, consistent with a valid ABC license is permitted;
- ~~(21)~~ No on-site storage of trailers is permitted;
- ~~(3) No on-site food preparation shall be permitted;~~
- ~~(42)~~ The hours of operation shall be limited to 7:00 a.m. to ~~sundown~~ 10 p.m. ~~and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.~~
- (3) Limited live entertainment may be offered, and must comply with the City's noise ordinance.

(5) Market operations shall include:

- ~~(a) The applicant shall designate one person to serve as the market master, and another person to serve as alternate, and shall provide the names of those persons and their home and work telephone numbers to the director prior to the opening of the market;~~
- ~~(b4)~~ The ~~market master or his/her designee~~applicant shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the lot and adjacent sidewalk areas at the end of the market;
- ~~(e5)~~ The ~~market master~~applicant shall prepare a plan for the layout of the market for approval by the director prior to beginning operations, and shall obtain approval of the director for any changes to those plans;
- ~~(d6)~~ The ~~market master~~applicant shall prepare a set of rules for operation of the market for approval by the director who shall review any changes to those rules. Copies of those rules shall be given to each vendor, to nearby residents and businesses, and to the civic associations in the vicinity;
- ~~(c) The rules shall state who is eligible to sell goods in the market and under what conditions. It is expected that the market shall include the sale of produce, and baked and prepared goods, and that the produce will be predominantly grown by the vendors, except during the spring and late fall when resale produce may predominate;~~
- ~~(f) The market master shall maintain a list of vendors with addresses and telephone numbers.~~
- ~~(6) All vendors shall adhere to, and the market master shall enforce, appropriate food safety guidelines developed by the Alexandria Health Department.~~

(I) *Specific standards for catering operation.*

- (1) The applicant shall post the hours of operation at the entrance of the business.

~~(2) No alcohol service is permitted.~~

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

(43) The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by transportation and environmental services.

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

(65) 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.

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

(L) *Specific standards for restaurants.*

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

~~(2) Reserved.~~

~~(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.~~

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

(52) ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted, n~~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.

(63) Limited, live entertainment may be offered and must comply with the Ceity'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.

(74) Restaurants managed with a minimum of 20 seats may offer delivery service ~~which shall be limited to two~~ delivery vehicles, with a must be provided with dedicated off-street parking spaces for each delivery vehicle, ~~and shall not be~~

~~parked on the public right-of-way. No delivery of alcoholic beverages is permitted.~~

~~(85) On and off premises Full alcohol service sales, consistent with a valid ABC license is are permitted. No alcohol sales for off-premises 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.~~

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

~~(107)~~ Kitchen equipment shall not be cleaned outside, including floor mats, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

~~(118)~~ The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

~~(129)~~ Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.

~~(130)~~ 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.

~~(141) Nightclub-Live~~ entertainment is not permitted, as defined in section ~~2-190.22-~~164.1;

~~(152)~~ 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.

~~(163)~~ 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~~Reserved.

(3) A maximum of ~~20~~ 40 seats may be located at outdoor tables ~~in front of the restaurant.~~

(4) The closing 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~~ limited to 11 p.m. Within the NR Zone, and 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).

- (6) Outdoor seating areas shall not include ~~advertising~~ signage on outdoor dining furniture or enclosures, including on umbrellas.
- (7) ~~On-site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.~~ On and off premises alcohol sales, consistent with a valid ABC license are permitted.

(N) *Specific standards for valet parking.*

~~(4) An approved permit for a valet parking operation shall be valid for an initial six-month period, after which it shall be reviewed for compliance with these standards and for its effectiveness in handling the drop-off, ferrying, parking and retrieving of vehicles efficiently and effectively, and without undue interference with non-valet parking and traffic. If, on review, the directors determine that the valet parking program has operated successfully and in compliance with its permit, then the permit shall be extended indefinitely, with a similar review to occur at the end of each one-year period from that point forward. As part of the initial or annual review under this paragraph, the directors may require the operator to adjust the features of the program or, alternatively, to apply for a special use permit if there are concerns about the effectiveness, success or impacts of the valet parking program.~~

~~(54)~~ The provisions of section 8-300 of this ordinance, requiring an SUP for valet parking, shall not apply for valet parking approved under this section 11-513(M). In addition, a permit approved under this section may authorize valet parking to displace otherwise required parking spaces, notwithstanding the requirements of section 8-200, if it is determined that those spaces are not in demand during the times that the valet parking program will be in effect and that the use of the spaces for the valet parking program will reduce potential parking congestion on the public streets.

(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:

(d) ~~Convenience store~~Reserved;

(f) Health and athletic club or fitness studio;

~~(h) Pet supplies, grooming and training with no overnight accommodations;~~

~~(m)~~ Restaurant; and

~~(n)~~ Retail shopping establishments.

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

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

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

~~(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:

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

ARTICLE XII. - NONCOMPLIANCE AND NONCONFORMITY

12-214 - Abatement of nonconforming uses.

~~(D) — Any convenience store existing on October 16, 1999, and any such store thereafter established, shall be considered to be a convenience store in perpetuity, notwithstanding the addition of floor area sufficient to remove the store from the size limitation set forth in~~

~~the definition of such use, unless the store also adds features to the use which, regardless of size, are inconsistent with the definition of convenience store.~~



January 13, 2020

Planning Commission
City of Alexandria
301 King Street
Alexandria, VA 22314

Dear Alexandria Planning Commissioners:

On behalf of the board of the 382 members of Visit Alexandria, I would like to express our wholehearted endorsement of the proposed amendments to the SUP process for small businesses in Alexandria. We appreciate the opportunity to comment here.

We support the amendments because, expansion of staff approval for routine zoning is:

- Faster and easier for the applicant
- Encourages future economic development by conveying that Alexandria is an efficient and predictable place to do business
- Maintains an appropriate level of oversight to ensure that applicants adhere to Alexandria zoning standards
- Allows the Planning Commission and City Council to focus on broader issues that require deeper debate and consideration

For all of these reasons we encourage you to approve the proposed small business zoning SUP process simplification. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Kotowski", with a long horizontal flourish extending to the right.

Karen Kotowski, Board Chair, Visit Alexandria

Cc: Mark Jinks, City Manager
Emily Baker, Deputy City Manager
Karl Moritz, Director of Planning & Zoning
Stephanie Landrum, President & CEO, Alexandria Economic Development Partnership
Joe Haggerty, President & CEO, Alexandria Chamber of Commerce

DEL RAY CITIZENS ASSOCIATION

WWW.delraycitizens.org

P.O. Box 2233, Alexandria, VA 22301

March 18, 2020

Karl W. Moritz, Director
Department of Planning and Zoning
City of Alexandria
City Hall, Room 2100
Alexandria, VA 22314

RE: Small Business Use Admin SUP Text Amendment

Dear Mr. Moritz,

The Del Ray Citizens Association Land Use Committee takes exception to the proposed changes for Admin SUP approvals for certain restaurant uses.

The Del Ray Citizens Association Land Use Committee (DRCA LUC) discussed the changes at its February 11, 2020 meeting, reviewed the proposed time frames for submitting comments to the applications and voted to take exception for the 21 day allotted time for community comment with regards to restaurant uses that propose to add exterior seating that is adjacent to residential properties.

Two of our most recent cases in Del Ray proposed beer gardens that abutted people's homes (The Garden and Hops 'n Shine). The Land Use Committee facilitated meetings between homeowners and owners of the businesses to negotiate changes to their proposals to address the homeowners' concerns. The 21-day time frame allotted for community comments for admin SUP approvals does not allow the civic associations to plan, notify affected neighbors and hold a meeting depending on when the notice for comments is sent out. We are requesting such applications be given sufficient time for civic associations to do so, which could be between 30 – 35 days depending on the notification date.

Sincerely,

Kristine Hesse
Lisa Lettieri
DRCA LUC Co-Chairs
Cc: Ann Horowitz, P & Z staff



August 28, 2020

Planning Commission
City of Alexandria
301 King Street
Alexandria, VA 22314

RE: Small Business Practical Updates

Dear Alexandria Planning Commissioners:

Carlyle Council is writing to urge your support for the small business practical update text amendments being considered by the Planning Commission on September 1st. We represent property owners in the Carlyle Community, including small business tenants.

Upon review, we believe that staff has taken the time and deliberation to propose these important steps to reduce the burden placed on small businesses. Small businesses are the backbone of Alexandria's economy. Particularly now, our small businesses are encountering unprecedented challenges created by the pandemic. By streamlining permitting for certain applicants, these proposed updates will make the process more nimble.

When adopted, the proposed amendments would:

- Improve the speed and efficiency while reducing the cost of the SUP process for certain small business operations
- Foster Alexandria's reputation as a welcoming City to locate a business
- Continue thorough oversight to ensure compliance with zoning requirements
- Help ensure a vibrant mix of small business enterprises placed in appropriate settings

For all the reasons stated above we encourage you to approve the proposed small business practical text amendment updates. Thank you for your consideration.

Sincerely,

Morgan Babcock

Morgan Babcock
Council Manager and TMP Coordinator

Cc: Phil Weber, CCC Board President
Mark Jinks, City Manager
Karl Moritz, Director of Planning and Zoning
Ann Horowitz, Planning and Zoning: Principal Planner

re: Planning Commission docket item 14, September 1 2020 (Small Business Practical Updates)

Agnès Artemel <aartemel@gmail.com>

Fri 8/28/2020 5:11 PM

To: PlanComm <PlanComm@alexandriava.gov>

August 28, 2020

Chairman and Members of Planning Commission

City of Alexandria

VIA PlanComm@alexandriava.gov

Re: September 1, 2020 docket, item 14 – Small Business Practical Updates

Dear Planning Commissioners:

The Old Town North Alliance is in support of the proposed text amendment ZTA #2020-00003. These practical updates will do much to facilitate small businesses opening in the City of Alexandria. We particularly support reducing the types of applications that are subject to public hearing special use permits. Having to go through this process adds months to the timeline toward opening, and it is a rare business that can afford to pay rent while it waits for its hearing date. In addition, the public hearing SUP process is an expensive one, with a complexity that may push a business to retain the services of an attorney and other professionals, at a significant cost. These time delays and costs impact the feasibility of establishing the business and discourage small entrepreneurs.

We also support easing requirements on restaurants. Recent history has identified very little reason for concern about restaurants operating in our business districts. The new measures taken during COVID restrictions have shown that restaurants can manage their business well with a relaxation of specific and intrusive restrictions on number of seats or the many other conditions imposed during a SUP process. Our City staff is quite adept at working with new businesses to determine their business model and likely impacts, and able to make the appropriate recommendations during an Administrative process.

Finally, outdoor dining has proven to be a popular option, with or without COVID safety precautions. We believe it is a use whose time has come and support administrative SUP approval for increased seating and hours of operation so that we may expand the number of restaurants offering outdoor dining.

Without going into details about the other types of businesses covered by the proposed text amendment, we support the intent of reducing regulatory requirements on small business so that they may thrive and provide vital services and goods to our residents and employees.

We commend staff for their thoughtfulness in putting forward these very specific updates, noting that much time has been spent dissecting the zoning ordinance and in public outreach while these new provisions were being crafted. The proposed updates strike a balance between the needs of business and adjacent property owners and residents.

Agnès Artemel

Agnès Artemel

President

The Old Town North Alliance

300 Montgomery Street

Alexandria VA 22314

CC: Ann Horowitz, Planning & Zoning

EISENHOWER PARTNERSHIP

August 31, 2020

Planning Commission
Alexandria City Hall
301 King Street
Alexandria, VA 22314

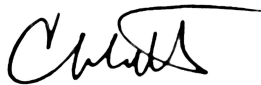
Dear Members of the Planning Commission,

On behalf of the Eisenhower Partnership, we are writing in support of Text Amendment #2020-00003, Small Business Practical Updates that would minimize regulatory requirements and expand business opportunities.

The Eisenhower Partnership actively supports the reduction of approvals needed for commercial uses while minimizing neighborhood impacts. We believe the zoning updates will promote business activity and foster economic growth by making it easier for businesses to locate in Alexandria.

We appreciate the opportunity to comment on this matter and encourage you to approve the proposed text amendments. Thank you.

Sincerely,



Chhaya Muth
President
Eisenhower Partnership



[EXTERNAL]Letter of Support

Margaret Townsend <yoga.with.margaret@gmail.com>

Mon 8/31/2020 10:20 PM

To: PlanComm <PlanComm@alexandriava.gov>

August 31st, 2020

Chairman and Members of Planning Commission

City of Alexandria

VIA PlanComm@alexandriava.gov

Re: September 1, 2020 docket, item 14 -Small Business Practical Updates

Dear Planning Commissioners :

The Old Town North Community Partnership is in support of the proposed text amendment ZTA #2020-00003.

The practical updates in this amendment will ease the process of opening a small business in the City of Alexandria and encourage small business owners to look more closely at the City of Alexandria when considering a location in Northern Virginia.

This can only benefit the City, both in these current challenging financial times and, moving forward into future, as the City's economy begins to recover from the effects of the business closures caused by CoVid 19. We are very supportive of reducing the types of applications that require public hearing special use permits. Many small business owners are working with limited funds and the period of time required to undergo this type of permit process often delays a business from opening for several months, requiring the business owner to pay rent for a space they do not yet occupy and lose potential business revenue and customer good will, because they are not yet open, but have possibly left their current location or revenue source.

The time delays and other potential opportunity costs caused by this complicated process may deter a small business owner from attempting to open a business in the City of Alexandria.

The Old Town North Community Partnership is also in support of the relaxed requirements on restaurants. The past six months has shown the City staff to be very responsive to the need for creative solutions to help our local restaurants, retailers, open air Farmer's markets, gyms ,spas and yoga studios remain in business during the quarantine imposed by Governor Northam's Edict, while maintaining a safe and healthy environment for the community.

Outdoor dining in the City of Alexandria has proven extremely popular and allowed several of our Old Town North Business Community members to remain open; keeping residents employed and landlords paid. We strongly support the administrative approval for increased seating and hours of operation so that more of the City's restaurants may offer outdoor dining.

In addition to the benefits to restaurant owners, their employees and restaurant patrons of the changes to the SUP Process, are the the benefits to local outdoor markets, retail and fitness businesses, all of whom will also benefit from these proposed changes.

Our thanks to staff in creating and proposing these very thoughtful and well defined changes to the SUP process.

The Old Town North Community Partnership represents those who live, work or own small businesses within Old Town North and we believe all within the community and the City of Alexandria will benefit from the proposed changes.

Margaret Townsend

President

The Old Town North Community Partnership

300 Montgomery Street, suite 200

Alexandria, Va 22314

CC: Ann Horowitz, Planning and Zoning

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Sent from my iPad

DISCLAIMER: This message was sent from outside the City of Alexandria email system.

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