

Docket Item #7

Text Amendment #2008-0004
SMALL BUSINESS ZONING

Planning Commission Meeting
May 6, 2008

ISSUE: Consideration of a text amendment to the Zoning Ordinance in order to implement the recommendations of the Small Business Task Force, eliminating the requirement for SUP approval for a variety of uses, changing them to either permitted or administrative SUP uses, and amending the procedures and standards for minor and change of ownership amendments and for administrative SUPs.

STAFF: Department of Planning and Zoning

STAFF RECOMMENDATION: Staff recommends approval of the following changes to the Zoning Ordinance:

1. Changing the following from SUP uses to permitted uses:
 - A. Child care center and preschool in commercial zones
 - B. Small commercial school, with up to 20 students
 - C. Health and athletic clubs in a shopping center, industrial or flex space center, or an office complex
 - D. Convenience store in an office complex.
2. Changing the following from SUP uses to administrative SUP uses, subject to standards:
 - A. Child care center and preschool in residential zones in a church or school building
 - B. Outdoor garden center
 - C. Outdoor food and crafts market
 - D. Overnight pet accommodations in a shopping center
 - E. Light auto repair in an industrial or flex space center
 - F. Catering operation in an industrial or flex space center
3. Changing the requirement for an SUP for all restaurants to be as follows:
 - A. Permitted use within a shopping center, hotel or industrial or flex space center
 - B. Administrative SUP use in all other locations, subject to standards which vary by neighborhood
 - C. SUP requirement for those other restaurants that do not meet the administrative standards.
4. Making the following procedural changes
 - A. Combining the change of ownership and minor amendment procedures, with some changes to the standards and process
 - B. Consolidating regulations for administrative SUPs, combining all provisions of the ordinance in one location, Section 11-513.

I. BACKGROUND

The Small Business Task Force (SBTF) has identified a variety of programs and requirements of City government that create obstacles for small businesses to open, become established and thrive in Alexandria. In response, on June 26, 2007, City Council asked staff to review the SBTF recommendations and make proposals for change.

As to zoning, the SBTF recommends that the SUP requirement for certain businesses be eliminated. In addition, the SBTF recommends that the zoning processes that attend opening and modifying businesses over time be streamlined in order to avoid the burden in terms of time, money and uncertainty that procedural hurdles create. The SBTF zoning recommendations are attached as Appendix 1.

SUP Protection

The policy issue raised by the SBTF recommendations is whether the protections afforded by Alexandria's reliance on a case by case zoning review for certain uses is worth the burden it creates for small business. The SUP process provides three protections which are not afforded to permitted uses in the zoning ordinance:

- oversight on a case by case basis to ensure that a new use is compatible with its surroundings and appropriate to its site;
- an opportunity for the public to speak at two public hearings about their concerns; and
- attaching conditions to the approval, with review of them over time.

The SUP process requires an application, review by relevant staff departments, notice to citizens, and two public hearings. After a use's initial approval, the City has an elaborate system and process if a business owner wishes to expand or change the use or sell it to a new owner. One particularly criticized process is the "change of ownership" approval requirement, but small changes to approved uses also require specific approval, limiting a business' ability to grow and change without city intervention.

Special Use Permits have been part of the Alexandria Zoning Ordinance since the early 1930s, and the essence of today's SUP system was established in the zoning ordinance of the early 1950s. The 1992 Zoning Ordinance relied heavily on the SUP as a discretionary mechanism, with the result that many additional uses were brought within the SUP ambit at that time. Experience over the last 15 years, however, demonstrates that many of the uses captured by the 1992 revisions may not require SUP scrutiny, with its public hearing process, which is burdensome to the small business owner.

Although Alexandria requires that many businesses be treated as “special uses,” most uses permitted by the zoning ordinance do not require SUP approval. Doctors’ offices, retail stores, beauty salons, grocery stores, laundromats, and many other uses may be established without special review and approval.

Text Amendment

Planning and Zoning staff has reviewed each of the SBTF recommendations carefully and, attempting to balance the need for protection for the community against the burden the SUP requirement imposes on small businesses, has made a judgment about whether the uses selected could be changed from SUP uses to permitted uses, or in some cases to SUPs granted administratively, without harm to the public. It found that it could support most of the SBTF recommendations, although it has modified a few of the SBTF recommendations slightly, and expanded a few suggestions for consistency.

This report discusses each of the proposed changes. A summary of the proposed changes is included at page 4. The technical zoning text language to be inserted, modified and changed is set forth in full in Attachment 2. A great deal of zoning text must be changed to affect the proposed changes, even though the list of proposed changes is not long. Even when the status of only one use is changed, the change may need to be reflected in the language of *every* zone. Thus, with 10-15 uses being changed, the text being changed is quite extensive. Staff has chosen to set out the full text changes in each case for clarity.

Outreach, Public Involvement, and Agency Input

Staff has made a great effort to involve the public in its work on the SBTF recommendations, understanding that adjusting the SUP system presents a dramatic change for many. Staff has held a community meeting, met with the Federation of Civic Associations, met with the Economic Sustainability Implementation Monitoring Committee group, met with representatives of individual civic associations (Del Ray, Old Town, Rosemont, Arlandria and Seminary Hill), and held an in depth work session with the Planning Commission. Staff also received email comments and responded to them during the several months of outreach this winter and spring.

Staff has listened to all comments and been willing to change its proposal in response to the comments and reactions of the public and the Planning Commission. For example, it has removed its proposal to allow commercial uses on the ground floor of residential buildings as too difficult for residents of those buildings after the Planning Commission raised issues with it; it has made child care in a church or school building in residential zones an administrative SUP use instead of a permitted use in response to concerns from several neighborhoods; and it has included different administrative SUP standards for restaurants for different neighborhoods, recognizing the small area plan work that has already been done and the important sensitivities of neighborhoods to our City.

Planning staff has also conferred with staff from the agencies involved with SUP review and, based on comments from those perspectives, changed a few of its prior recommendations. Three uses – light auto repair and catering operations in industrial or flex space centers, and overnight pet boarding in shopping centers – had each been originally proposed as permitted uses. They are now recommended as administrative SUP uses because staff feels strongly that individual review and detailed standards are necessary so that these uses comply with best management practices and do not create impacts.

II. SUMMARY OF STAFF’S RECOMMENDATIONS

New permitted uses:

- **Child care center or preschool** in commercial zones (p. 6)
- **Small commercial schools**, with up to 20 students, such as yoga or computer classes(p.6)

Uses permitted with administrative SUP:

- **Child care center or preschool in a church or school building** in residential zones (p.7)
- **Small garden centers** with standards, including for deliveries and loading. (p.8)
- **Outdoor food and crafts market** with standards, similar to the Del Ray Farmers Market. (p.8)

Uses permitted or with administrative SUP depending on the location and type of building:

- Shopping Center
 - **Health and athletic club** (p. 11)
 - **Overnight pet accommodations** with administrative SUP (p. 12)
- Industrial or Flex space center, such as the buildings on West Eisenhower Ave
 - **Light auto repair** with administrative SUP (p. 12)
 - **Catering operation** with administrative SUP (p. 13)
 - **Health and athletic club** (p. 11)
- Office complex of four stories or more
 - **Health and athletic club** (p. 11)
 - **Convenience store** (p. 13)

Restaurants are treated differently in P&Z's proposal, depending on their type, scope, and location (p.13)

- Permitted use in shopping center, hotel or an industrial or flex space center;
- Administrative SUP for all other full service restaurants, retaining the Mount Vernon and Arlandria standards as adopted;
- Restaurants that do not meet the administrative approval standards (too large, entertainment, fast food, etc) will require a full SUP.

Procedural changes (p. 18):

- **Minor amendment and change of ownership** have been combined, clarified and changed slightly.
- **Administrative SUP** procedures and standards are reorganized and consolidated.

III. DISCUSSION OF INDIVIDUAL ZONING RECOMMENDATIONS

Staff supports the proposed changes for several reasons. First, it has analyzed each of the limited lists of affected uses and found there to be little need for "special" oversight for them. Second, P&Z has chosen specific types of buildings or complexes in which to allow less regulation because those locations should provide much of the protection supplied now by the SUP conditions. Third, **parking requirements will not be changed** by the proposed changes. Any use that is deficient in parking will require a parking reduction SUP to be approved. Finally, staff notes that the above list is a limited and targeted one; most SUP requirements remain in the city's zoning without change.

A. PERMITTED USES

Massage if incidental to another use

Although not requiring a zoning text change, staff is recommending a change to the way it interprets the need for an SUP for a massage establishment. Because of the historical concern and need for oversight of massage uses in Alexandria, P&Z has followed a restrictive interpretation of what constitutes "accessory" massage. Specifically, to date, an accessory massage establishment is one with no more than one massage therapist at work at any one time. All other massage facilities require SUP approval.

On the other hand, massage establishments are heavily regulated businesses. In addition to any zoning review and approval, massage therapists and massage establishments are subject to review by the state and by the local police department. In addition, health department permits and building code requirements, as well as other laws and oversight, apply. Furthermore, massage is often just one of a series of beauty and therapeutic services offered at the same business, staff supports allowing massage without an SUP if it is part of another use, such as a beauty parlor, wellness center, day spa or a hotel, regardless of the number of therapists. Under this approach, a massage

establishment will still require an SUP if it is a stand alone use, but will not require an SUP if it is part of another use accessory to it.

Child care center and preschool in commercial zones

Each commercial zone allows a “day care center,” which is defined to include the care or supervision of either children or adults, but the use requires SUP approval. The land use questions related to day care centers typically concern adequate parking for staff, adequate areas for drop off and pick up of children, adequate outdoor play area, and potential noise and other impacts on adjacent uses. In addition, day care centers and preschools are subject to extensive state review. Licenses are required and operations are scrutinized for safety, staffing, and outdoor play space. Therefore, staff proposes that day care centers be permitted in commercial zones without an SUP, but with a requirement that a state license has already been issued prior to the onset of operations and that adequate pick up and drop off areas are provided.

To effect this change, the day care center use has been removed from the list of SUP uses in each of the commercial zones and the use has been added to the list of permitted uses.

Small private schools of limited enrollment

Small private commercial schools, such as yoga, dance, martial arts, personal training, and computer and tutoring facilities are allowed in commercial zones with an SUP. The use is a frequent one on the Planning Commission docket and the SUP requirement is burdensome for entrepreneurs who are just getting started in small facilities. The use, if small, is not very different from many other retail and personal service uses that are permitted without SUP approval. The principal impact from small commercial schools is from parking and parking requirements will not be affected by these zoning changes. Therefore, staff recommends allowing the use without an SUP, but limiting the use to a maximum of 20 students. Larger commercial schools, such as the Strayer University on Eisenhower Avenue and Liberty and George Washington University’s satellite facilities, have much more significant zoning impacts, especially in terms of traffic, and should be looked at on a case by case basis.

The text change is to add a new use, commercial school limited to 20 or fewer students at one time, to the definition of personal service establishment, which is an allowed use in each of the commercial zones.

B. USES PERMITTED WITH ADMINISTRATIVE SUP SUBJECT TO STANDARDS

Child care center and preschool in Residential zones

In residential zones, a variety of early childhood terms and facilities are now used and allowed by the zoning ordinance, including:

Child care home is defined to include children under 14, permits up to and including 5 children without an SUP and up to 9 children with a SUP, counting resident and nonresident children in both cases.

Day nursery is defined to mean a facility offering care to six or more children under 14, is allowed in a church or school building in the R-12, R-8, R-5 and R-2-5 zones with SUP approval.

Nursery school, which is defined to mean a place operated primarily for educational instruction for six or more children from 2-6 yrs old for up to three hours a day, is allowed in the RA, RB, RC and RCX and RM zones with an SUP. Also, a nursery school is allowed in the R-20 zone in a church or school building with an SUP.

In order to balance the need to protect residential zones and still make opening and expanding early childhood facilities easier for providers, P&Z proposes a series of changes for residential zones. First, staff proposes to clarify the definition of early child care locations in the zoning ordinance for the city as a whole, as follows:

- The **day care center** definition is being amended to specifically state that it includes facilities known as “child care centers” and “preschools,” including both half day and full day programs. These are the terms now used by the City’s Office of Early Childhood Development and by the providers.
- The terms “**day nursery**” and “**nursery schools**,” which relate primarily to the residential zones, but also to some commercial zones, will be eliminated from the zoning ordinance, because, in modern parlance, all early childhood facilities are encompassed within the clarified and simplified definition for “day care center.” These terms are also referenced in the new day care definition to avoid any confusion.
- The following new definition language is recommended:

Sec. 2-133 Day care center. A facility other than a private single family dwelling, which receives children or adults for care, protection and supervision during part of a 24 hour day unattended by a parent or guardian. The term includes a child care center, preschool, nursery school and day nursery, and includes half day and full day programs.

Second, P&Z is proposing no change to the regulation of child care homes because these small facilities take place in single family homes and can clearly impact neighboring homes and areas. Beyond these small facilities, there are many examples of successful day care, preschool, nursery and academic schools in residential areas, but they are now typically in larger institutional uses or associated with a neighborhood church. Facilities in residential zones without an SUP, outside a church or school, could be problematic, especially if a single family home could be converted to a school facility, even a preschool, and even for a small number of students, because the essential character of the street, block and neighborhood could change from a place where people live to one where a potentially commercial enterprise takes place.

With regard to child care facilities within churches and schools, P&Z proposes to allow these with an administrative SUP. When located in an institutional setting, and typically in a larger building with parking and drive aisles, the nearby neighborhood is protected from impacts. Standards for approval will be included requiring adequate drop off and pick up areas, and a setting that buffers adjacent homes from noise. These standards and the administrative SUP process should work to protect residential areas from the atypical church or school location. In addition, the performance standards will require that a state license must be obtained before operations can begin. Originally, staff proposed that this use be permitted without any SUP approval, but several residential neighborhoods were concerned about the change. Staff understands their concerns, and has changed its recommendation to require an administrative SUP, allowing notice to the neighborhood and an opportunity to comment and be involved in the process.

Staff notes that “nursery schools” are now allowed as standalone uses in the RA, RB, RC, RCX and RM zones with SUP approval. Under the proposed new definition above, the use will be changed from “nursery school” to “day care center” and SUP approval will continue to be required for the standalone use in those zones. If the use is located within a church or school building it will be allowed by administrative SUP.

A final early childhood issue in residential zones relates to the definition of a “school,” which is an SUP use in single family zones, and the overlap with either “nursery schools” or “preschools” that provide pre-K educational instruction. By clarifying the “day care center” definition so that it expressly includes all nursery schools and preschools, and by allowing the use in a church or school building only, the ordinance will eliminate the ambiguity that allows a preschool to be deemed a school and be considered for SUP approval in a single family house.

Outdoor garden centers

The SBTF and Staff recommend that garden centers be allowed by an administratively approved SUP, subject to standards that require that they be a distance from or provide buffering to nearby residential uses. The standards also require that they be small, no more than 10,000 square feet, and that a plan showing the locations for loading and other services be approved by staff before they can

be established. These conditions will distinguish between the large garden centers, such as at Home Depot, that will still require full SUP review at public hearings, and the small ones, such as Eclectic Nature, that could be permitted without public hearing.

Outdoor food and crafts market

An outdoor market, such as the Old Town or Del Ray Farmers' Markets is a community gathering place that creates a positive environment for a neighborhood. However, where they are located and how they are operated make the difference between a neighborhood supporting business and one that detracts from and negatively impacts nearby uses. Because there are so few of these uses, and because their requirements are readily captured in standards that can be incorporated in the ordinance, staff supports allowing community oriented farmers markets by administrative SUP subject to standards. This is precisely the approach already used by the City for Arlandria and Mount Vernon Avenue.

C. USES PERMITTED OR PERMITTED BY ADMINISTRATIVE SUP DEPENDING ON THE LOCATION AND TYPE OF BUILDING

Several of the SBTF's recommendations would allow uses without SUPs if they are located in specific types of buildings and locations. P&Z agrees and recognizes that certain building types, because of their size, layout and orientation have minimal connection with neighboring properties and therefore little impact on adjacent uses. In addition, larger facilities typically are commonly managed, with self interested owners and management seeking internally compatible uses and striving for problem-free uses. P&Z's recommendations, listed below, adopt the SBTF's approach, with slight modifications. In addition, these changes require three new definitions for the location categories, because the zoning ordinance does not now include them.

Definitions

Shopping center. *a building or complex of buildings under common ownership and control which includes at least five independent retail businesses, provides shared parking, and is at least 35,000 square feet of floor area in size.*

Industrial or flex space center. *A building or complex of buildings under common ownership and control, which is no more than two stories in height, includes at least three independent businesses within it, and consists of at least 45,000 sf of floor area.*

Office or mixed use complex. *A building or group of buildings under common ownership and control which is four or more stories in height, which is primarily office use, but which may include additional uses as well, and which is a minimum of 50,000 sq ft in size.*

In each case, the proposed definition language is carefully designed to capture desirably shaped and sized building arrangements that should be appropriate locations for the uses being allowed without special review.

The proposed **shopping center** definition language above is carefully designed to capture the traditionally designed, suburban shopping center model, with its large parking areas and setbacks, as well as some other building arrangements which include multiple retail stores. The City has several traditional shopping centers of medium and large size:

Landmark Mall
Potomac Yard
Bradlee
Alexandria Commons (Hechingers)
Fox Chase
Winkler
South Van Dorn
Home Depot/Trade Center
Mount Vernon Village Center/Arlandria Shopping Center
Seminary Plaza
Plaza Center (Fairlington)

The size limitation of 35,000 square feet will exclude many smaller buildings in the City, even with multiple stores, such as on King Street or Mount Vernon Avenue. As an example, the complex on Mount Vernon Avenue where Caboose Cafe and Cheestique are located includes approximately 27,000 square feet of space, and its size is typical of many retail blocks with public frontage. In addition, there are several locations which include retail stores on the ground floor of a large office or residential building, such as the Saul Center or the Calvert Apartments, which are included. The definition excludes the Montgomery Center in the 800 block of North Fairfax Street because that building fails to include parking. Within a shopping center, the self interest of the center in maintaining a mix of uses and managing traffic and parking for other tenants should work to self select appropriate locations.

The **industrial or flex space center** definition is designed to specifically reflect a certain type of building complex on West Eisenhower Avenue west of Clermont. Incubator space for small service uses is difficult to find in Alexandria's high price land market, but there are still a few opportunities, for example in the West Eisenhower area, where large buildings in a quasi-industrial setting include small tenant spaces for a multiple of small business uses. The buildings are large, sometimes sprawling, typically one story, and most of the businesses are housed in separate bays which do not have direct access to the street. Parking is provided adjacent to the business bays. In the West Eisenhower Avenue examples, the buildings are large, between 45,000 and 70,000 square feet. The definition limits appropriate buildings to one or two stories in order to avoid the problem of allowing

auto repair in larger buildings, which could capture Type A office buildings, and is clearly not intended. The SBTF recognized that these facilities are candidates for eliminating the SUP regulation because they are so valuable to small businesses just starting out, and because, depending on the location, there are minimal impacts from at least some uses.

The proposed definition for an **office complex** focuses on two aspects of the office building where additional uses are being allowed: size and the potential mix of uses. Both criteria help buffer uses that require special review in other locations, and are most likely to mean sufficient management control to provide additional protection. A good example on both points is the Old Town Athletic Club on North Fairfax Street. The definition includes that building because the complex is large enough (50,000 sq ft and four or more stories), and includes a mix of uses, i.e., some retail, a day spa, and the athletic club in what is primarily an office setting.

Health and athletic club in a shopping center, hotel, industrial or flex space center or office complex

Health and athletic clubs are now allowed in the CG and higher commercial zones but an SUP is required. Land use issues for health clubs typically include parking and traffic. The SBTF does not recommend and staff does not support any change to parking requirements. Otherwise, the use is generally desirable because it provides activity at times that other uses, such as office buildings, do not. Health clubs can therefore support around the clock activity which creates pedestrian activity, supports nearby retail uses, and provides eyes on the street. Traffic impacts can be a concern, however, although when the use is part of a mixed use building or complex, the impacts are reduced.

The SBTF and staff recommend that the use be permitted without an SUP in a shopping center. The Sports and Health facility that is part of the Bradlee Shopping Center has not been a problem. Health and athletic clubs, without an SUP required, are also good candidates for hotels, and for the West Eisenhower building complexes, where as an example a rock climbing facility is now located. Finally, a health club is a clearly good use within a larger office complex, assuming there is adequate parking. P&Z therefore supports allowing the use in these three locations without an SUP.

P&Z proposes one exception to the above approach, however, for Old Town. The recently adopted KR zone emphasizes the importance of using the first floor of buildings in Old Town for retail uses; non-retail uses, such as health and athletic clubs, are either limited to upper floors of a building or required to obtain a SUP, or both. P&Z proposes to keep those restrictions and requirements for health and athletic clubs in the KR, CD, CDX and CRMUX zones to support the effort in favor of first floor retail uses.

As a technical, definitional matter, the “Use Limitations” in those commercial zones where health clubs have been allowed include language making massage establishments part of the health and athletic club definition. See §4-1106(E) for example. With the treatment recommended here for

both health clubs and massage, staff is adding a new definition for health and athletic club as part of Article II, adding a separate listing for massage establishments in each commercial zone, (which will be subject to the interpretation discussed above) and deleting the health and athletic clubs use limitation because it is no longer necessary. Massage will be permitted if incidental to a health club and the health club use will be permitted without an SUP in the specific locations proposed in these recommendations.

Pet supplies without overnight stay in a shopping center

Pet supplies, grooming and training, is a use now permitted without a SUP in most of the commercial zones throughout the City. However, the use is limited to facilities that do not include overnight accommodations for pets. An “animal shelter or kennel” is only allowed in the Industrial zone. An “animal hospital” is not specifically allowed under the zoning ordinance; those that continue in the City do so as noncomplying uses. Overnight pet boarding – whether part of a retail operation or a medical facility – can create negative impacts on neighboring uses because of the need for outdoor space, and the potential noise and odors associated with pets.

However, as part of the modern demand for pet facilities of all types, there is a growing demand for overnight pet accommodations. The SBTF recommends that the use should be allowed with an administrative SUP within a shopping center, subject to standards of the Health Department and with regard to Animal Control. P&Z agrees that if a center is able to meet health and other requirements for overnight accommodations, and willing to include the use in its mix of tenants, then there is not likely to be any impact on neighboring uses.

Light auto repair in an industrial or flex space center

The SBTF recommends that a light auto repair business in one of the quasi-industrial buildings of West Eisenhower Avenue should be allowed without the necessity of SUP approval. Staff is recommending the use be allowed with an administrative SUP, and subject to standards in the ordinance similar to those found in approved SUPs. Auto repair businesses are allowed now in the ordinance by SUP only, even if the operation is “light” as opposed to “general” auto repair. The one exception is in the Industrial zone, where “light” auto repair is permitted without an SUP. So little of the city is zoned Industrial, however, that it is typical for an auto repair business to locate within a commercial zone where an SUP is required. P&Z staff supports this approach, and recommends an amendment to the zoning ordinance to list light auto repair in an industrial/office complex as an administrative SUP use. The change is only proposed for the OCM (100) zone in order to capture land in the West Eisenhower area. Although there are some other areas of the City where the zone appears, those areas lack the type of building described by the definition.

Catering in an industrial or flex space center

This recommendation is similar to light auto repair in the Eisenhower West area, and P&Z also supports its approval by administrative SUP, subject to standards. Catering is now allowed by SUP in the OC and OCM zones, as well as in the CD and CDX zones. The proposed change will only be included in the OCM (100) zone, however, where the appropriate industrial complexes are located.

Convenience store in an office complex

The SBTF and the business community have recommended that large office complexes should be allowed to have certain uses within them, without the requirement for an SUP because, again, the size of the facility and its management should provide sufficient protection against zoning impacts on surrounding uses. SBTF specifically proposed and P&Z supports allowing a convenience store and a health and athletic club in a large office building. Most of the other businesses found in large office settings, such as retail stores, newsstands, day spas and dry cleaning are permitted uses; an SUP is not required. However, a tenant space cannot be rented to a convenience store without SUP approval. The most serious impacts from a convenience store are its intense, small purchase, traffic, and the potential for alcohol sales. Limiting the use without an SUP to large facilities eliminates the problem with easy automobile access. A use limitation has also been added limiting alcohol sales in convenience stores to prohibit single sales. The use will thereby provide a convenience to users of the office building, and not an impact for adjacent uses. Again, staff has exempted the KR, CD, CDX and CRMUX zones from this change, in order to allow extra protection in Old Town, especially along Washington Street.

D. RESTAURANTS

For the last several decades, as a citywide rule, all restaurants have required SUP approval. Over the last several years, especially as the result of neighborhood planning efforts, several parts of the City have changed the rule for their independent neighborhood. Starting with Arlandria in 2001, Mount Vernon Avenue in 2005, and Carlyle most recently, these three areas have each amended the regulatory system for restaurants and, in each case, established instead an administrative SUP system, with procedures and standards overseen by the Planning and Zoning Department. While the City's experience with the administrative SUP program is not extensive, the results to date have been successful. Against this background of changing regulatory controls, the proposed text amendment recommends a new approach to restaurants for the City.

- First, in specific locations, it proposes that restaurants be permitted without any special oversight.

- Second, it recommends that in all other locations citywide, an administrative SUP be available for restaurants of a limited size and type. Restaurants that do not meet the criteria for either of these two zoning elements must still be approved by a full SUP.

Restaurants permitted in a shopping center, a hotel, or an industrial or flex space center.

Similar to its approach with regard to health clubs, light auto repair and convenience stores, staff is recommending that in three specific locations: shopping centers, hotels and an industrial or flex space center, restaurants be classified as permitted uses. Again, these particular locations, as specifically defined, provide settings that should buffer impacts from the surround area.

Allowing restaurants within shopping centers is a reasonable request because with the typically large land areas covered by a shopping center, and the common management, restaurants are likely to be controlled and of minimal impact to the surrounding neighborhoods. Under the proposed approach, a new restaurant at the Bradlee Shopping Center will not need an SUP in the future. However, in all cases, parking is still required. If there is insufficient parking, then a parking reduction SUP will be required for the restaurant's approval. This approach is how restaurants have been handled in the zoning ordinance for the last 15 years at Landmark Mall.

In addition to shopping centers, staff notes that almost every hotel in the City includes a restaurant, and there have been few if any land use issues with those restaurant uses over time. Therefore, P&Z is recommending that these uses not require SUP approval. Staff notes that hotels themselves are subject to SUP approval, and a restaurant use is typically, but not always, part of the initial plan and approval. Again, parking requirements are not being amended. If a hotel does not include parking sufficient for all uses, then a parking reduction SUP will be required.

As to the industrial or flex space buildings, there are small restaurants already located in some of these industrial facilities, and P&Z supports allowing additional ones, if they desire to locate there, without an SUP. They are typically for employees working in the area, without impact on residential neighborhoods. As with light auto repair and catering, the approach will only be incorporated in the OCM (100) zone, and will be allowed only in these large, multi business industrial complexes.

Given the fairly restrictive definitions proposed above, and the limited number of locations where the change will apply, P&Z predicts minimal if any problems from this recommendation for restaurants.

Administrative SUP for remaining restaurants

Outside of the locational exceptions noted above, and as a citywide matter, P&Z supports allowing small restaurants by administrative SUP. This is the approach already being used in the NR zone in Arlandria, in the overlay zoning on Mount Vernon Avenue, and under the new provisions for Carlyle. It was also the approach proposed but not approved for King Street, when the King Street Retail Strategy was adopted in 2005.

Under the proposed administrative SUP program, a list of specific standards is included in the zoning ordinance which defines the type and scope of restaurants allowed administratively. If the standards are met, an applicant is entitled to be considered for an administrative SUP, with the approval or denial determined by the Director of Planning. Restaurant proposals that do not meet the ordinance standards, because they are too big, include fast food service or prominent entertainment, or wish to have greater hours or less parking than required, will require full SUP review and approval, with public hearings before the Planning Commission and City Council. Conditions, similar to those historically included in approved SUPs, are imposed on the administrative permit. The public is given notice of the application and an opportunity to comment.

Administrative standards for restaurants citywide (section 11-513 (K)(1))

Staff is recommending that, as a citywide matter, restaurants that meet the following standards be approvable by administrative SUP:

- 60 seat maximum
- Full service restaurants only
- Hours to be same as prevailing in neighborhood, but no greater than 5am – 12 midnight
- Limited entertainment that is subordinate to the main use of the restaurant for dining
- Beer, wine and alcohol for on premise consumption is permitted
- Delivery, limited to one car with a non public dedicated space, with 40 or more seats;
- Outdoor dining is permitted on private property for up to 20 seats (counted in addition to indoor seats); parking is a requirement for outdoor seats.

Arlandria and Del Ray (sections 11-513(K) (2) and (3))

Although it would be desirable to have consistent standards citywide for all neighborhoods, the adopted standards for Arlandria (NR zone) and Del Ray (Mount Vernon Overlay Zone) permit restaurants with an administrative SUP in slightly different circumstances. In discussions with representatives from those neighborhoods staff has been impressed with the strength of their desire to retain their specific standards, and has therefore incorporated them into the proposed text for those neighborhoods. Some differences among the neighborhoods include the fact that Arlandria does not include outdoor dining, limits entertainment to two performers, limits alcohol to only beer and wine, and has hours from 7am – 11pm daily. In Del Ray, hours are from 7am – 10 during the week and 7am – 11 on the weekend, outdoor dining is limited to 16 seats and parking is not required for it, and

alcohol is limited to beer and wine *table* service. Attachment 3 sets out the differences among the different neighborhoods for these key variables.

Old Town (section 11-513(K)(4))

Although representatives of Old Town Civic have made it clear that they do not support an administrative SUP program, staff is recommending one because it believes that such a program could be successful with appropriate standards. The proposed text amendment includes standards for Old Town (defined to include land within the Old and Historic Alexandria District) restaurants that are unique to that area and incorporates criteria from the Old Town restaurant policy adopted by City Council to guide the addition or expansion of restaurants there. For example, at section 11-513 (G), although the citywide standards for full service dining, seats and hours apply, delivery is limited to non vehicular modes (pedestrian and bicycle) and alcohol service is limited to beer and wine. As to Council's Old Town restaurant policy, standards require that the Director make the following findings:

- the request does not significantly impact nearby residential neighborhoods;
- the restaurant will not replace a retail use;
- the restaurant will not have an undue negative impact on the availability of off-street parking or the parking supply in the adjacent neighborhood;
- the restaurant is not expected to be open late in the evening with consumption of alcohol predominating over food consumption; and
- the restaurant is not expected to generate litter in the nearby neighborhoods.

In addition, under the general standards for administrative SUPs, participation in a parking program such as Park Alexandria is required if such a program becomes active and effective.

As to outdoor dining for Old Town, that is covered to the extent of the Central Business District under the King Street Outdoor Dining Overlay Zone of section 6-800 and staff proposes no changes to those regulations. Outside of the CBD but within the Old and Historic Alexandria District, staff is recommending that the same standards apply as apply citywide: without an encroachment ordinance, the outdoor dining must be on private property, is allowed to have up to 20 seats, and neither signs nor entertainment is permitted within the outdoor dining area. The one exception is that the first eight seats will not require parking, on the assumption that customers will walk from home or from another destination.¹

¹ The rules for administrative approval of restaurants and other uses in Carlyle are not affected by the proposed zoning ordinance changes, but are part of the Carlyle SUP which governs the uses in that area.

Administrative SUP procedures

One issue of paramount importance to citizens is the extent to which the process for administrative SUPs is inclusive, allowing input by citizens and neighborhoods about restaurants or any other administrative SUP uses. Staff has included extensive procedures and general standards under the new text in section 11-513 outlining the process for citizens and applicants alike. Modeled on the program adopted for the Mount Vernon Overlay Zone, it refines and reorganizes those regulations, and provides for:

- Filing an application with the Planning Department;
- Notice to the public in the newspaper, by posting the property, email to the affected civic associations, and posting on the Planning web site in a list of pending administrative applications;
- 21 days for the public to comment and discuss the application with staff;
- Review of the application by staff (Planning as well as other city departments);
- Director approval or denial;
- An appeal of the Director's decision to the Planning Commission
- Ability of the director to determine that a full SUP hearing review is necessary

One significant change from the administrative SUP procedures now applicable in Del Ray is increasing the time for citizen comment from 14 to 21 days. Staff is hopeful that the change will not be burdensome on businesses and will offer sufficient time for neighborhoods to be involved in the process by which new uses are approved administratively.

Conditions will attach to the SUP permit issued by the Director which will include the administrative standards and limitations in the zoning ordinance as well as any additional standards the Director believes are warranted and to which the applicant agrees. Requirements for façade improvements and landscaping can be included in the appropriate case. The applicant will also be required to participate in a future parking program designed for the neighborhood, such as a shared program in Del Ray or a Park Alexandria type program in Old Town.

Approved administrative SUPs will be inspected by P&Z on a regular basis, as is done for Council approved SUPs, one year and then three years after approval, in addition to complaint generated inspections as necessary. The Director is authorized to revoke the permit in whole or in part for failure to comply with permit conditions.

These extensive procedures and standards should allow ample protection to the public from the proposed administrative SUP program for restaurants.

E. PROCEDURAL CHANGES

Administrative approval of minor amendments to SUPs

Section 11-511 of the zoning ordinance now permits minor changes to SUPs to be approved administratively. The SBTF recommends that the definition of “minor” under the existing provision be broadened so that more changes can be approved administratively in the future. P&Z agrees and is recommending that this provision should be amended.

The SUP amendment process today is rarely used because few businesses can meet the exceptionally narrow criteria for applicants. Businesses cannot apply today when:

- there are any written or oral complaints, even if they are unfounded;
- there was any opposition to the use when the SUP was originally approved, even if over time no one has had a problem with the use;
- there is *any* increase in the intensity of the use, even if there are no impacts; an increase in intensity is defined as including at least *any* increase in hours, seats, number of employees, visitors or customers, or traffic trips generated.
- *any person* requests a public hearing.

P&Z is recommending a substitute procedure that allows performance criteria to govern because it should provide sufficient protection, while still being a useful procedure for businesses that seek small changes and wish to avoid the full SUP process. P&Z proposes that applications be allowed where:

1. There is no history of real or significant violations that were not immediately rectified;
2. The Director determines that there will be no negative zoning impacts on adjacent properties or neighborhood from the amendment over what was originally considered; and
3. New conditions can be included if they are standard conditions, those that the Director includes because they are clearly related to the use and those to which the applicant agrees.

These are the standards currently in the ordinance for change of ownership applications. See 11-503 (F), and staff sees no reason why they should not apply equally to minor amendment cases.

Furthermore, the minor amendment process and the change of ownership process in the ordinance are now stated separately and differently. To reduce the confusion and inconsistency between the two provisions in the ordinance, and because the two processes, although for slightly different purposes, both should share the same standards for approval and the same procedure, staff has rewritten both sections as one, eliminating section 11-503(F) and merging the two ideas in a revamped section 11-511.

In terms of an increase in intensity, staff agrees that additional leeway should be allowed, so that a businesses that is permitted to make a small change, even if it includes some measure of additional seats or hours, and additional employees, provided the change produces little discernible impact. It has included the following criteria for minor amendment applications:

- the proposed change constitutes no more than a minimal enlargement or extension;
- 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; and
- the proposal will not change the character of the use or increase its overall intensity, including no more than the following increases:
 - additional hours of operation, but not to exceed hours consistent with nearby uses;
 - 10% additional seats for a restaurant; and
 - similar increases for other aspects of the use.

Notice of pending applications will be given to affected civic associations, and posted on the Planning Department web page. In addition, the property will be posted so people in the vicinity know that an application is pending.

Consolidation of administrative procedures and standards

Staff's proposed text changes include the consolidation of the Arlandria (NR zone), Del Ray (Mount Vernon overlay zone), and King Street (KR zone) provisions on administrative SUP uses into one new section of the ordinance which includes all of the rules for administrative SUPs for the city as a whole. Thus, the regulations at 4-1404, 6-607, and 6-706 have been eliminated, and section 11-513 has been created. The latter section organizes all of the procedures and general standards for administrative SUPs into a single, unified regulatory provision. As to the substantive standards for specific uses, such as garden centers and restaurants, the section identifies each separately and, where there are different standards for different parts of the City, identifies those differences in the application of the standards. Thus, all of the material regarding this administrative program can be found in one place in the zoning ordinance, making learning, understanding and referencing the material easier for the public, for applicants and for city staff.

F. EFFECT OF TEXT CHANGES ON EXISTING SUPS

One key question that accompanies any change to uses in the zoning ordinance is how existing established uses will be affected. Staff is proposing the following application rules for uses with existing, approved SUPs which, while not appropriate in the zoning text, will appear in the adopting ordinance:

1. For those uses which now require an SUP and which become permitted uses, for which no SUP of any sort is required, an existing approved SUP and its conditions will cease to have effect.
2. For those uses which now require an SUP and which become uses for which an administrative SUP is required, an existing approved SUP continues to be effective, but can, at the applicant's option, be transferred to an administrative SUP, provided the use meets the administrative standards governing the use. The applicant will have to apply for the administrative SUP transfer, and subject itself to the procedural and substantive standards for the use.
3. The proposed changes, being to zones that do not apply there, will have no effect on the land within the Carlyle approved SUP.
4. There are several existing approved DSUPs that include within their approved conditions rules for the establishment of restaurants and other uses that would also be covered by the amendments proposed here. Examples include Mill Race, Edmondson Plaza, Whole Foods, 1600 King Street, Monarch, Madison, Jaguar, 800 South Washington and Potomac Plaza. To the extent that the proposed text changes are covered by one of the above approved DSUPs and/or CDD concept plans, then the approved DSUP or concept plan will govern.

IV. RECOMMENDATION

Staff recommends each of the above changes to the zoning ordinance, as articulated in specific language of the proposed text changes attached in Attachment 2.

ATTACHMENTS:

1. Small Business Task Force Recommendations
2. Proposed revisions to the zoning text
3. Chart of Administrative SUP restaurant standards

STAFF:

Faroll Hamer, Director, Department of Planning and Zoning,
Richard Josephson, Deputy Director,
Steve Milone, Division Chief, Land Use Services
Peter Leiberg, Zoning Manager
Valerie Peterson, Urban Planner
Richard Bray, Urban Planner
Nathan Randall, Urban Planner

SMALL BUSINESS TASK FORCE RECOMMENDATIONS (from SBTF Report, CC docket item#27, p. 32, 06/26/07)

1. Light Auto Repair (if located within an office/industrial park setting, i.e. Eisenhower Avenue Office Commercial zones)
2. Catering operation (if located within an office/industrial park setting, i.e. Eisenhower Avenue Office Commercial zones)
3. Day care centers in commercial zones
4. Health and athletic clubs (in a shopping center or office/mixed use complex)
5. Restaurants (in a shopping center)
6. Restaurants less than a certain number of seats that do not have live entertainment, dancing or are a certain distance from residential uses
7. Private schools and nursery schools (of less than a certain enrollment)
8. Retail bakeries (of a certain floor area)
9. Garden centers, if located a certain distance from residential
10. Outdoor food and crafts markets, if located certain distance from residential
11. Pet supplies, grooming and training with no [sic] overnight accommodations (in a shopping center)
12. Massage if incidental and accessory to another permitted use
13. Convenience store if incidental to a multifamily or office complex
14. Allow minor amendments to approved SUPs through an administrative process.

ARTICLE II: DEFINITIONS

2-133 Day care center. A facility other than a private family dwelling which receives children or adults for care, protection and supervision during part of a 24 hour day unattended by a parent or guardian. The term includes a child care center, preschool, nursery school and day nursery, and includes half day and full day programs.

2-153.1 Health and Athletic Club. An establishment which as its primary purpose provides facilities for exercise in both individual and class formats, 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.

2-193.1 Shopping Center. A building or complex of buildings under common ownership and control which includes at least five independent retail businesses, provides shared parking, and is at least 35,000 square feet of floor area in size.

2-161.1 Industrial or flex space center. A building or complex of buildings under common ownership and control, which is no more than two stories in height, includes at least three independent businesses within it, and consists of at least 45,000 sf of floor area.

2-179.1 Office complex. A building or group of buildings under common ownership and control which is four or more stories in height and primarily office use, but may include other uses, and which is a minimum of 50,000 sq. ft. in size.

2--183 Personal service establishment. A store or shop providing personal, financial, technical or repair services, assistance or advice to individual consumers, including but not limited to:

Arts and crafts studios or stores;

Appliance repair and rental;

Banks, savings and loans, and credit unions;

Bicycle repair;

Barbershops and beauty shops;

Contractors' offices, without accessory storage;

Dressmakers and tailors;

Dry-cleaning and laundry pickup stations;

Laundromat;

Locksmiths;

Musical instrument repair;

Optical center;

Pawnshops;

Private school, academic or commercial, with a maximum of twenty students on the premises at any one time;

Professional photographer's studios;

Shoe repair;

Furniture upholstering shops;

Watch repair;

Printing and photocopy service;

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

ARTICLE III. RESIDENTIAL ZONE REGULATIONS

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

3-102 Permitted uses. The following uses are permitted in the R-20 zone:

- (A) Single-family dwelling;
- (B) Accessory uses, as permitted by section 7-100;
- (C) Child or elder care home, as permitted by section 7-500;
- (D) Church;
- (E) Home occupation, as permitted by section 7-300;
- (F) Public park;
- (G) Public school;
- (H) Utilities, as permitted by section 7-1200.

3-102.1 Administrative special uses. The following uses may be allowed in the R-20 zone with administrative approval pursuant to section 11-513 of this ordinance.

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

3-103 Special uses. The following uses may be allowed in the R-20 zone pursuant to a special use permit:

- (A) Cemetery;
- (B) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;
- ~~(C) Nursery school within a church or school building;~~
- (D) Private school;
- (E) Seminary, convent and monastery;
- (F) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-202 Permitted uses. The following uses are permitted in the R-12 zone:

- (A) Single-family dwelling;
- (B) Accessory uses, as permitted by section 7-100;
- (C) Child or elder care home, as permitted by section 7-500;
- (D) Church;
- (E) Home occupation, as permitted by section 7-300;
- (F) Public park;
- (G) Public school;
- (H) Utilities, as permitted by section 7-1200.

3-202.1 Administrative special uses. The following uses may be allowed in the R-12 zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-203 Special uses. The following uses may be allowed in the R-12 zone pursuant to a special use permit:

(A) Cemetery;

~~(B) Day nursery within a church or school building;~~

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-302 Permitted uses. The following uses are permitted in the R-8 zone:

(A) Single-family dwelling;

(B) Accessory uses, as permitted by section 7-100;

(C) Child or elder care home, as permitted by section 7-500;

(D) Church;

(E) Home occupation, as permitted by section 7-300;

(F) Public park;

(G) Public school;

(H) Utilities, as permitted by section 7-1200.

3-302.1 Administrative special uses. The following uses may be allowed in the R-8 zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-303 Special uses. The following uses may be allowed in the R-8 zone pursuant to a special use permit:

(A) Cemetery;

~~(B) Day nursery within a church or school building;~~

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-402 Permitted uses. The following uses are permitted in the R-5 zone:

- (A) Single-family dwelling;
- (B) Accessory uses, as permitted by section 7-100;
- (C) Child or elder care home; as permitted by section 7-500;
- (D) Church;
- (E) Home occupation, as permitted by section 7-300;
- (F) Public park;
- (G) Public school;
- (H) Utilities, as permitted by section 7-1200.

3-402.1 Administrative special uses. The following uses may be allowed in the R-5 zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-403 Special uses. The following uses may be allowed in the R-5 zone pursuant to a special use permit:

- (A) Cemetery;
- ~~(B) Day nursery within a church or school building;~~
- (C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;
- (D) Private school;
- (E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-502 Permitted uses. The following uses are permitted in the R-2-5 Zone:

- (A) Single-family dwelling;
- (B) Two-family dwelling;
- (C) Accessory uses, as permitted by section 7-100;
- (D) Child or elder care home, as permitted by section 7-500;
- (E) Church;
- (F) Home occupation, as permitted by section 7-300;
- (G) Public park;
- (H) Public school;
- (I) Utilities, as permitted by section 7-1200.

3-502.1 Administrative special uses. The following uses may be allowed in the R-2-5 zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-503 Special uses. The following uses may be allowed in the R-2-5 zone pursuant to a special use permit:

(A) Cemetery;

~~(B) Day nursery within a church or school building;~~

(C) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

(D) Private school;

(E) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

Sec. 3-600 RA/Multifamily zone.

3-602 Permitted uses. The following uses are permitted in the RA zone:

(A) Single-family dwelling;

(B) Two-family dwelling;

(C) Townhouse dwelling;

(D) Multifamily dwelling;

(E) Accessory uses, as permitted by section 7-100;

(F) Child or elder care home, as permitted by section 7-500;

(G) Church;

(H) Home occupation, as permitted by section 7-300;

(I) Public park;

(J) Public school;

(K) Utilities, as permitted by section 7-1200.

3-602.1 Administrative special uses. The following uses may be allowed in the RA zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-603 Special uses. The following uses may be allowed in the RA zone pursuant to a special use permit:

(A) Cemetery;

(A.1) Day care center,

~~(B) Day nursery in church or school building;~~

(C) Home for the elderly;

(D) Noncommercial, not-for-profit facilities, including indoor and outdoor recreational facilities and community centers, designed to serve the neighborhood;

- ~~(E) Nursery school;~~
- (F) Nursing or convalescent home or hospice;
- (G) Private school;
- (H) Rooming house;
- (I) Seminary, convent and monastery;
- (J) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

Sec. 3-700 RB/Townhouse zone.

3-702 Permitted uses. The following uses are permitted in the RB zone:

- (A) Single-family dwelling;
- (B) Two-family dwelling;
- (C) Townhouse dwelling;
- (D) Accessory uses, as permitted by section 7-100;
- (E) Child or elder care home as permitted by section 7-500;
- (F) Church;
- (G) Home occupation, as permitted by section 7-300;
- (H) Public park;
- (I) Public school;
- (J) Utilities, as permitted by section 7-1200.

3-702.1 Administrative special uses. The following uses may be allowed in the RB zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-703 Special uses. The following uses may be allowed in the RB zone pursuant to a special use permit:

- (A) Cemetery;
- ~~(B) Day nursery in church or school building;~~
- (B) Day care center;
- (C) Home for the elderly;
- ~~(D) Nursery school;~~
- (E) Nursing or convalescent home or hospice ;
- (F) Private school;
- (G) Rooming house;
- (H) Seminary, convent and monastery;
- (I) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-802 Permitted uses. The following uses are permitted in the RCX zone:

- (A) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Accessory uses, as permitted by section 7-100;
- (D) Child or elder care home, as permitted by section 7-500;
- (E) Church;
- (F) Home occupation, as permitted by section 7-300;
- (G) Public park;
- (H) Public school;
- (I) Utilities, as permitted by section 7-1200.

3-802.1 Administrative special uses. The following uses may be allowed in the RCX zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-803 Special uses. The following uses may be allowed in the RCX zone pursuant to a special use permit:

- (A) Apartment hotel;
- (B) Cemetery;
- ~~(C) Day nursery in church or school building;~~
- (C) Day care center;
- (D) Home for the elderly;
- (E) Nursery school;
- (F) Nursing or convalescent home or hospice;
- (G) Private school;
- (H) Rooming house;
- (I) Seminary, convent and monastery;
- (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:
 - (1) Bank, saving and loan bank or association, and similar financial institution;
 - (2) Barber shop or beauty shop;
 - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
 - (4) Convenience store;
 - (4.1) Day care center.
 - (5) Drugstore;
 - (6) Gift shop;
 - (7) Grocery store, where products are not prepared or consumed on premises;
 - (8) Health and athletic club;
 - (9) Professional and business office, provided that no inventory, stock-in-trade, materials or

supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours;

(10) Restaurant.

(K) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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

3-902 Permitted uses. The following uses are permitted in the RC zone:

- (A) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Accessory uses, as permitted by section 7-100;
- (D) Child or elder care home, as permitted by section 7-500;
- (E) Church;
- (F) Home occupation, as permitted by section 7-300;
- (G) Public park;
- (H) Public school;
- (I) The following commercial uses in a residential development of at least 2,000 dwelling units if limited to an area the size of the first floor or any floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:
 - (1) Bank, saving and loan bank or association, and similar financial institution;
 - (2) Barbershop or beauty parlor;
 - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
 - (4) Drugstore;
 - (5) Grocery store, where products are not prepared or consumed on the premises;
 - (6) Gift or florist shop;
 - (6.1) Health and athletic club;
 - (7) Professional, business and medical office provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and
- (J) Utilities, as permitted by section 7-1200.

3-902.1 Administrative special uses. The following uses may be allowed in the RC zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-903 Special uses. The following uses may be allowed in the RC zone pursuant to a special use permit:

- (A) Apartment hotel;
- (B) Cemetery;
- ~~(C) Day nursery in church or school building;~~

- (C) Day care center;
- (D) Freestanding commercial buildings for office or retail use where clearly designed as part of and to serve a residential development of at least 2,000 dwelling units and where no such building exceeds 10,000 square feet;
- (E) Home for the elderly;
- ~~(F) Nursery school;~~
- (G) Nursing or convalescent home or hospice;
- (H) Private school;
- (I) Rooming house;
- (J) Seminary, convent and monastery;
- (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:
 - (1) Bank, saving and loan bank or association, and similar financial institution;
 - (2) Barber shop or beauty shop;
 - (3) Cleaning, laundry or pressing agency with no actual operations on premises;
 - (4) Convenience store;
 - (4.1) Day care center.
 - (5) Drugstore;
 - (6) Gift shop;
 - (7) Grocery store, where products are not prepared or consumed on premises;
 - (8) Health and athletic club;
 - (9) Professional and business office, provided that no inventory, stock-in-trade, materials or supplies other than general office supplies are stored on site and that no trucks, vans or similar vehicles are parked on site outside of business hours; and
 - (10) Restaurants and, in the case of a building which is seven or more stories, the restaurant may be located on the top floor or the roof of the building.
- (L) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

Sec. 3-1100 RM/Townhouse zone.

3-1102 Permitted uses. The following uses are permitted in the RM zone:

- (A) Single-family dwelling;
- (B) Two-family dwelling;
- (C) Townhouse dwelling;
- (D) Accessory uses, as permitted by section 7-100;
- (E) Child or elder care home, as permitted by section 7-500;
- (F) Church;
- (G) Home occupation, as permitted by section 7-300;
- (H) Public park;

- (I) Public school;
- (J) Utilities, as permitted by section 7-1200.

3-1102.1 Administrative special uses. The following uses may be allowed in the RM zone with administrative approval pursuant to section 5-513 of this ordinance.

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

3-1103 Special uses. The following uses may be allowed in the RM zone pursuant to a special use permit:

- (A) Bed and breakfast accommodation, as permitted by section 7-400;
- (B) Cemetery;
- ~~(C) Day nursery in church or school building;~~
- (C) Day care center;
- (D) Motor vehicle parking or storage, as permitted by section 8-600;
- ~~(E) Nursery school;~~
- (F) Nursing or convalescent home or hospice;
- (G) Private school;
- (H) Rooming house;
- (I) Seminary, convent and monastery;
- (J) Any church or school parking added after October 1, 1996 which exceeds the number of spaces required by this ordinance; provided, however, that no special use permit for such excess parking shall regulate or substantially burden any religious practice or belief.

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:

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

4-102.1 Administrative special uses. The following uses may be allowed in the CL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Overnight pet boarding if located in a shopping center.

4-103 Special uses. The following uses may be allowed in the CL zone pursuant to a special use permit:

- (A) Bus shelter on private property;
- (B) Congregate housing facility;
- ~~(C) Day care center;~~
- (C.1) Day labor agency.
- ~~(D) Day nursery;~~
- (E) Fraternal or private club;
- (F) Funeral home;
- (G) Home for the elderly;

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

4-107 Use limitations.

- (G) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (H) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 4-200 CC/Commercial community zone.

4-202 Permitted uses. The following uses are permitted in the CC zone:

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

- (M) Accessory uses, as permitted by section 7-100.

4-202.1 Administrative special uses. The following uses may be allowed in the CC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market;
- (D) Overnight pet boarding.

4-203 Special uses. The following uses may be allowed in the CC zone pursuant to a special use permit:

- (A) Automobile service station;
- (B) Bus shelter on private property;
- (C) Congregate housing facility;
- (D) Convenience store;
- ~~(E) Day care center;~~
- ~~(F) Day nursery;~~
- (G) Drive through facility;
- (H) Fraternal or private club;
- (I) Funeral home;
- (J) Home for the elderly;
- (K) Light automobile repair;
- (K.1) Massage establishment;
- (L) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(M) Nursery school;~~
- (N) Nursing or convalescent home or hospice;
- (N.1) Outdoor food and crafts market, other than pursuant to section 4-202.1;
- (N.2) Outdoor garden center, other than pursuant to section 4-202.1;
- (O) Overnight pet boarding, other than pursuant to section 4-202.1;~~Pet supplies, grooming and training, with no overnight accommodation;~~
- (P) Private school, academic or commercial, with more than 20 students at any one time;
- (Q) Public building;
- (R) Restaurant, other than pursuant to sections 4-202(I.1) or 4-202.1;
- (S) Rooming house;
- (T) Social service use.

4-207 Use limitations.

- (F) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

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

4-302 Permitted uses. The following uses are permitted in the CSL zone:

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

4-302.1 Administrative special uses. The following uses may be allowed in the CSL zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-303 Special uses. The following uses may be allowed in the CSL zone pursuant to a special use permit:

- (A) Automobile service station;
- (B) Automobile and trailer rental or sales area;
- (B.1) Bakery exceeding 3,500 square feet which includes a retail component;

- (C) Building materials storage and sales;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store;
- ~~(H) Day care center;~~
- (H.1) Day labor agency.
- ~~(I) Day nursery;~~
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Glass shop;
- (N) Home for the elderly;
- (O) Laundry, dry cleaning operation;
- (O.1) Light assembly, service and crafts;
- (P) Light automobile repair;
- (P.1) Massage establishment;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(R) Nursery school;~~
- (S) Nursing or convalescent home or hospice;
- (S.1) Outdoor food and crafts market, other than pursuant to section 4-302.1;
- (S.2) Outdoor garden center, other than pursuant to section 4-302.1;
- (S.3) Overnight bed boarding, other than pursuant to section 4-302.1;
- (T) Parcel delivery;
- ~~(U) Pet supplies, grooming and training, with no overnight accommodations;~~
- (V) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (W) Public building;
- (X) Research and testing laboratory;
- (Y) Restaurant, other than pursuant to sections 4-302 (J.1) or 4-302.1;
- (Z) Rooming house;
- (AA) Social service use;
- (BB) Storage buildings and warehouses, not to include freight distribution centers;
- (CC) Wholesale business.

4-307 Use limitations.

- (F) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.
- (G) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 4-400 CG/Commercial general zone.

4-402 Permitted uses. The following uses are permitted in the CG zone:

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

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

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-403 Special uses. The following uses may be allowed in the CG zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (C) Automobile service station;
- (D) Automobile and trailer rental or sales area;
- (D.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;

- (G) Convenience store, other than pursuant to section 4-402 (E.1);
- ~~(H) Day care center;~~
- (H.1) Day labor agency.
- ~~(I) Day nursery;~~
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-402 (E.3);
- (N) Home for the elderly;
- (O) Hospital;
- (P) Hotel;
- (Q) Laundry, dry cleaning operation;
- (R) Light automobile repair;
- (R.1) Massage establishment;
- (S) Medical care facility;
- (T) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(U) Nursery school;~~
- (V) Nursing or convalescent home or hospice;
- (V.1) Outdoor food and crafts market, other than pursuant to section 4-402.1;
- (V.2) Outdoor garden center, other than pursuant to section 4-402.1;
- (V.3) Overnight pet boarding, other than pursuant to section 4-402.1;
- (W) Private school, academic or commercial, with more than 20 students on the premises at any one time;
- (X) Public building;
- (Y) Restaurant, other than pursuant to sections 4-402 (J.1) or 4-402.1;
- (Z) Rooming house;
- (AA) Social service use.

4-407 Use limitations.

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

(D) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.

(E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(F) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

Sec. 4-500 CD/Commercial downtown zone.

4-502 Permitted uses. The following uses are permitted in the CD zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (F) City sponsored farmers' market;
- (F.1) Day care center;
- (G) Medical laboratory;
- (H) Medical office;
- (H.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (I) Personal service establishment;
- (J) Pet supplies, grooming and training business, with no overnight accommodation;
- (K) Public school;
- (L) Radio or TV broadcasting office and studio;
- (L.1) Restaurant located within a shopping center or hotel;
- (M) Retail shopping establishment;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-502.1 Administrative special uses. The following uses may be allowed in the CD zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-503 Special uses. The following uses may be allowed in the CD zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (C) Bed and breakfast accommodation, as permitted by section 7-400;

- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- ~~(G) Day care center;~~
- (G.1) Day labor agency.
- ~~(H) Day nursery;~~
- (H.1) Drive through facility, limited to banks, savings and loan institutions and credit unions on Washington Street; provided, that access to the drive through facility is solely provided on the exclusive property of the bank, savings and loan institution or credit union offering the drive through facility.
- (I) Fraternal or private club;
- (J) Funeral home;
- (K) Health and athletic club;
- (L) Home for the elderly;
- (M) Homeless shelter;
- (N) Hospital;
- (O) Hotel;
- (O.1) Massage establishment;
- (P) Medical care facility;
- (Q) Motor vehicle parking or storage for more than 20 vehicles;
- (R) Newspaper office, including printing and publishing facilities;
- ~~(S) Nursery school;~~
- (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-502.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-502.1;
- (T.3) Overnight pet boarding;
- (U) Private school, commercial or academic, with more than 20 students on the premises at any one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to sections 4-502(L.1) and 4-502.1;
- (X) Rooming house;
- (Y) Social service use;
- (Z) Tourist home;
- (AA) Wholesale business.

4-507 Use limitations.

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

(D) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.

(E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

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

4-602 Permitted uses.

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

4-602.1 Administrative special uses. The following uses may be allowed in the CD-X zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-603 Special uses.

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (B.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (C) Bus shelter on private property;
- (D) Catering operation;

- (E) Congregate housing facility;
- ~~(F) Day care center;~~
- (F.1) Day labor agency.
- ~~(G) Day nursery;~~
- (H) Fraternal or private club;
- (I) Funeral home;
- (J) Health and athletic club, other than pursuant to section 4-602 (D.2);
- (K) Home for the elderly;
- (L) Homeless shelter;
- (M) Hospital;
- (N) Hotel;
- (N.1) Massage establishment;
- (O) Medical care facility;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Newspaper office, including printing and publishing facilities;
- ~~(Q) Nursery school;~~
- (R) Nursing or convalescent home or hospice;
- (R.1) Outdoor food and crafts market, other than pursuant to section 4-602.1;
- (R.2) Outdoor garden center, other than pursuant to section 4-602.1;
- (R.3.) Overnight pet boarding, other than pursuant to section 4-602.1;
- (S) Private school, commercial or academic, with more than 20 students on the premises at any one time;
- (T) Public building;
- (U) Restaurant, other than pursuant to sections 4-602(K-1) or 4-602.1;
- (V) Rooming house;
- (W) Social service use;
- (X) Tourist home;
- (Y) Wholesale business.

4-607 Use limitations.

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

(D) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates required prior to opening its place of business.

(E) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

Sec. 4-700 CR/Commercial regional zone.

4-702 Permitted uses. The following uses are permitted in the CR zone:

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

4-702.1 Administrative special uses. The following uses may be allowed in the CR zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Outdoor garden center
- (B) Outdoor food and crafts market
- (C) Overnight pet boarding.

4-703 Special uses. The following uses may be allowed in the CR zone pursuant to a special use permit:

- (A) Automobile service station;
- (A.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (B) Bus shelter on private property;
- ~~(C) Day care center;~~
- ~~(D) Day nursery;~~
- (E) Drive through facility;
- (F) Hotel;
- (G) Interstate bus station;
- (H) Light automobile repair;
- ~~(I) Outdoor garden center.~~
- (I) Massage establishment.
- (J) Overnight pet boarding, other than pursuant to section 4-702.1

~~4-707 Use Limitations. Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be~~

~~transferable to any other firm or individual.~~

Sec. 4-800 OC/Office commercial zone.

4-802 Permitted uses. The following uses are permitted in the OC zone:

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

4-802.1 Administrative special uses. The following uses may be allowed in the OC zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-803 Special uses. The following uses may be allowed in the OC zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;

- (F) Congregate housing facility;
- (G) Convenience store other than pursuant to section 4-802 (E.1);
- ~~(H) Day care center;~~
- (H.1) Day labor agency.
- ~~(I) Day nursery;~~
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-802 (E.3)
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (S.1) Massage establishment;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(V) Nursery school;~~
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market other than pursuant to section 4-802.1;
- (W.2) Outdoor garden center other than pursuant to section 4-802.1;
- (W.3) Overnight pet boarding, other than pursuant to section 4-802.1;
- (X) Private school, academic or commercial, with more than 20 students on the premises at one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-802(K.1) and 4-802.1;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

4-807 Use limitations.

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

(E) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates prior to opening its place of business.

(F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

4-902 Permitted uses. The following uses are permitted in the OCM(50) zone:

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

4-902.1 Administrative special uses. The following uses may be allowed in the OCM (50) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-903 Special uses. The following uses may be allowed in the OCM(50) zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-902(E.1);
- ~~(H) Day care center;~~
- (H.1) Day labor agency.
- ~~(I) Day nursery;~~
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club; other than pursuant to section 4-902(E.3);
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair;
- (S.1) Massage establishment;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(V) Nursery school;~~
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-902.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-902.1;
- (W.3) Overnight pet boarding, other than pursuant to section 4-902.1;
- (X) Private school, academic or commercial; with more than 20 students on the premises at any one time;
- (Y) Public building;
- (Z) Research and testing laboratory;
- (AA) Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;
- (BB) Rooming house;
- (CC) Social service use;
- (DD) Wholesale business.

4-906 Use limitations.

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

(E) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates prior to opening its place of business.

(F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

4-1002 Permitted uses. The following uses are permitted in the OCM(100) zone:

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

4-1002.1 Administrative special uses. The following uses may be allowed in the OCM (100) zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) Outdoor food and crafts market ;
- (D) Catering operation within an industrial or flex space center;
- (E) Light auto repair within an industrial or flex space center.
- (F) Overnight pet boarding.

4-1003 Special uses. The following uses may be allowed in the OCM(100) zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (D) Bus shelter on private property;
- (E) Catering operation, other than pursuant to section 4-1002.1;
- (F) Congregate housing facility;
- (G) Convenience store, other than pursuant to section 4-1002(E.1);
- ~~(H) Day care center;~~
- (H.1) Day labor agency.
- ~~(I) Day nursery;~~
- (J) Drive through facility;
- (K) Fraternal or private club;
- (L) Funeral home;
- (M) Health and athletic club, other than pursuant to section 4-1002(E.3);
- (N) Home for the elderly;
- (O) Homeless shelter;
- (P) Hospital;
- (Q) Hotel;
- (R) Interstate bus station;
- (S) Light automobile repair, other than pursuant to section 4-1002.1;
- (S.1) Massage establishment;
- (T) Medical care facility;
- (U) Motor vehicle parking or storage for more than 20 vehicles;
- (V) ~~Nursery school;~~
- (W) Nursing or convalescent home or hospice;
- (W.1) Outdoor food and crafts market, other than pursuant to section 4-1002.1;
- (W.2) Outdoor garden center, other than pursuant to section 4-1002.1;
- (W.3) Overnight pet boarding, other than pursuant to section 4-1002.1;

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

4-1006 Use limitations.

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

(E) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates prior to opening its place of business.

(F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

4-1102 Permitted uses. The following uses are permitted in the OCH zone:

- (A) Single-family dwelling, except as limited by section 4-1103(A.1);
- (A.1) Two-family dwelling, except as limited by section 4-1103(A.1);
- (A.2) Townhouse dwelling, except as limited by section 4-1103(A.1);
- (B) Multi-family dwelling, except as limited by section 4-1103 (A.1);
- (C) Business and professional office;
- (D) Cemetery;
- (E) Church;
- (E.1) Convenience store within an office complex;
- (E.2) Day care center;
- (E.3) Health and athletic club located within a shopping center, hotel or office complex;
- (F) Hospital;
- (G) Medical care facility;
- (H) Medical laboratory;

- (I) Medical office;
- (I.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (J) Personal service establishment, on the same lot as office use;
- (K) Pet supplies, grooming and training business with no overnight accommodation;
- (L) Radio or television broadcasting office and studio;
- (L.1) Restaurant located within a shopping center or hotel;
- (M) Retail shopping establishment, on the same lot as office use;
- (N) Seminary, convent or monastery;
- (O) Utilities, as permitted by section 7-1200;
- (P) Accessory uses, as permitted by section 7-100.

4-1102.1 Administrative special uses. The following uses may be allowed in the OCH zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-1103 Special uses. The following uses may be allowed in the OCH zone pursuant to a special use permit:

- (A) Amusement enterprise;
- (A.1) Single-family, two-family, townhouse and multi-family dwellings on lots located within 1,000 feet of the centerline of Eisenhower Avenue;
- (B) Apartment hotel;
- (C) Automobile service station;
- (C.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (D) Bus shelter on private property;
- (E) Congregate housing facility;
- (F) Convenience store, other than pursuant to section 4-1102(E.1);
- ~~(G) Day care center;~~
- ~~(H) Day nursery;~~
- (H.1) Day labor agency.
- (I) Drive through facility;
- (J) Fraternal or private club;
- (K) Funeral home;
- (L) Health and athletic club, other than pursuant to section 4-1102(E.3);
- (M) Home for the elderly;
- (N) Homeless shelter;
- (O) Hotel;
- (P) Interstate bus station;
- (Q) Light automobile repair;
- (Q.1) Massage establishment;

- (R) Motor vehicle parking or storage for more than 20 vehicles;
- ~~(S) Nursery school;~~
- (T) Nursing or convalescent home or hospice;
- (T.1) Outdoor food and crafts market, other than pursuant to section 4-1102.1;
- (T.2) Outdoor garden center, other than pursuant to section 4-1102.1;
- (T.3) Overnight pet boarding, other than pursuant to section 4-1102.1;
- (U) Private school, academic or commercial, with more than 20 students on the premises at one time;
- (V) Public building;
- (W) Restaurant, other than pursuant to sections 4-1102 (L.1) and 4-1102.1;
- (X) Retail shopping or personal service establishments on a lot which does not include office buildings, provided such use supports and serves office uses in the immediate zoned area;
- (Y) Rooming house;
- (Z) Social service use;
- (AA) Wholesale business.

4-1106 Use limitations.

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

(E) A day care center, commercial school or massage establishment shall obtain all state, federal and local licenses and certificates prior to opening its place of business.

(F) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.

(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

Sec. 4-1200 I/Industrial zone.

4-1202 Permitted uses. The following uses are permitted in the I zone:

- (A) Ambulance service;
- (B) Animal shelter or kennel;
- (C) Automobile service station;
- (D) Bottling plant;
- (E) Building materials storage and sales;

- (F) Business office accessory to and on the same site as an industrial use;
- (G) Catering operations;
- (H) Drive through facility;
- (I) [*Reserved*];
- (J) Funeral home;
- (K) Glass shop;
- (L) Ice and cold storage facility;
- (M) Laundry, dry cleaning operations;
- (N) Light automobile repair;
- (O) Machine shop;
- (P) Manufacturing;
- (Q) Medical laboratory;
- (Q.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (R) Parcel delivery;
- (S) Pet supplies, grooming and training, with no overnight accommodation;
- (T) Printing and publishing facilities;
- (U) Radio or television broadcasting office and studio;
- (V) Research and testing laboratory;
- (V.1) Restaurant located within a shopping center or hotel;
- (V.2) Retail;
- (W) Sheet metal shop;
- (X) Stone monument works;
- (Y) Storage buildings and warehouses;
- (Z) Utilities, as permitted by section 7-1200;
- (AA) Wholesale businesses;
- (BB) Accessory uses, as permitted by section 7-100.

4-1202.1 Administrative special uses. The following uses may be allowed in the I zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market
- (D) Overnight pet boarding.

4-1203 Special uses. The following uses may be allowed in the I zone pursuant to a special use permit:

- (A) Asphalt plant;
- (A.1) Amusement enterprise;
- (B) Automobile and trailer rental or sales area;
- (C) Business offices other than those listed in section 4-1202(F);
- (D) Bus shelter on private property;
- (E) Concrete mixing and batching plant;

- (F) Convenience store;
- (F.1) Day labor agency.
- (G) Freight distribution center;
- (G.1) Fuel yard;
- (H) General automobile repair;
- (I) Helistop;
- (J) Homeless shelter;
- (K) Hospital;
- (L) Interstate bus station;
- (M) Junkyard;
- (N) Medical care facility;
- (O) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Motor vehicle storage yard;
- (P.1) Outdoor food and crafts market, other than pursuant to section 4-1202.2;
- (P.1.2) Outdoor garden center, other than pursuant to section 4-1202.1;
- (P.3) Overnight pet boarding, other than pursuant to section 4-1202.1;
- (Q) Public building;
- (R) Recycling and materials recovery facility;
- (R.1) Restaurant, other than pursuant to section 4-1202 (V.1) or 4-1202.1;
- (S) Stone crushing operation;
- (T) Vehicle towing service and associated impound lot;
- (U) Waste to energy plant;
- (V) Any other use not listed elsewhere in this ordinance.

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

4-1403 Permitted uses. In order to provide an active pedestrian-oriented retail environment along Mount Vernon Avenue, especially along the sidewalk and pedestrian way, permitted uses in the NR zone are limited as follows: ~~the ground floor use facing the sidewalk in the NR zone shall be solely retail, restaurant, or personal service, except banks, uses defined in sections 2-183, 2-191, and 2-190 of the zoning ordinance.~~

~~Banks, business and professional offices, medical laboratory/offices and laundromats shall be permitted in the NR zone on the ground floor, only subject to the following standards:~~

- ~~(1) The business facade shall be no wider than 30 feet along the street;~~
- ~~(2) No more than two such uses or entrances shall adjoin each other.~~

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

- (1) Retail establishment;
- (2) Personal service, except banks;

- (3) Banks, business and professional offices, medical laboratory or offices and laundromats, shall be permitted in the NR zone on the ground floor, only subject to the following standards; provided:
 - (a) The business facade shall be no wider than 30 feet along the street;
 - (b) No more than two such uses or entrances shall adjoin each other.
- (4) Restaurants, when located within a shopping center or hotel, or with administrative approval pursuant to section 4-1403.1.

(B) Permitted uses above the ground floor:

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

4-1103.1 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) Restaurant
- (B) Outdoor garden center
- (C) Outdoor food and crafts market

4-1404 Special uses. The following uses may be allowed with a special use permit:

- (A) Amusement enterprise;
- (B) Banks, business and professional offices, medical laboratories/offices and laundromats on the ground floor, other than pursuant to when not in conformance with the standards set forth in section 4-1403 (A);
- (C) Convenience store;
- (D) Day care center;
- (E) Day nursery;
- (F) Fraternal or private club;
- (G) Live theater, other than pursuant to when not in conformance with the standards as set forth in section 4-1403.1;
- (H) Massage establishment;
- (I) Nursing or convalescent home or hospice;
- (J) Outdoor food and crafts market, other than pursuant to when not in conformance with the standards as set forth in Section 4-1403.1;
- (K) Private school, academic or commercial;
- (L) Public building;
- (M) Restaurant, other than pursuant to sections 4-1403 (A) (4) and 4-1403.1; when not in conformance with he standards set forth in section 4-1404
- (O) Townhouse dwellings, subject to the RB regulations for density, lot requirements, bulk and open space, and height and; allowed only in locations where the development of residential units will not interfere with the existing or the creation of the desired streetscape

pattern of contiguous and active retail uses.

[The procedure and standards for NR administrative SUPs is moved to section 11-513]

~~**4-1404 Uses allowed subject to standards.** Notwithstanding any contrary provisions of the zoning ordinance, the following uses shall be allowed in the NR zone subject to the following standards and administrative review and approval by the director of planning and zoning. However, if upon consultation with the police department it is determined that there are documented violations at the proposed location or with the proposed operator, the director of planning and zoning may determine that special use permit approval shall be required. Alternatively, at the applicant's discretion, the applicant may seek special use permit approval for such uses pursuant to section 11-500 of the zoning ordinance.~~

~~(A) Live theater (indoor amusement enterprise);~~

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

~~(C) Restaurant, with limited indoor and outdoor seating, limited hours of operation, limited beer and wine sales, limited delivery service, and limited, nonamplified live entertainment. Existing restaurant special use permit uses may intensify to the level outlined in the standards, provided they otherwise meet all the standards outlined in this section.~~

~~(D) *General standards for all uses:*~~

~~(1) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-503(F) of the zoning ordinance;~~

~~(2) The applicant shall encourage its employees to use mass transit or to carpool when 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;~~

~~(3) The applicant shall require its employees who drive to work to use off-street parking;~~

~~(4) 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;~~

~~(5) 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;~~

~~(6) The applicant shall contact the crime prevention unit of the city police department for a security survey and robbery awareness program for employees prior to the operation of the business;~~

~~(7) The director of planning and zoning shall review the administrative permit. Notice of this review shall be made in a newspaper in general circulation in the city, posted on the subject property, and given to nearby civic associations. In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard described herein, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et seq. of the zoning ordinance, except that such appeal shall be heard by the planning commission;~~

~~(8) Improvements may be required to the facade or in front of the business establishment, including landscaping and site improvements, consistent with the long term vision for the Arlandria Neighborhood plan as adopted as part of the master plan and as determined by the director of planning and zoning;~~

~~(9) Any change in the nature of the use or any enlargement, extension or increase in the intensity of that use shall be subject to review by the director of planning and zoning and may require a special use permit approved by the city council if it exceeds the guidelines herein;~~

~~(10) Any additional condition the director of planning and zoning determines is reasonable in order for the development of properties in compliance with Section 4-1402.~~

~~(E) *Specific standards for live theater (indoor amusement enterprise)*—~~

~~(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 four such events is permitted per calendar year;~~

~~(3) The hours of performances shall be limited to 11:00 a.m. to 11:00 p.m. daily;~~

~~(4) No amplified sound shall be audible at the property line;~~

~~(5) Off street parking shall be provided pursuant to section 8-200(A) of the zoning ordinance.~~

~~(6) The administrative permit, and standards, approved by the director pursuant to section 4-1404 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.~~

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

~~(1) No alcohol sales shall be permitted;~~

~~(2) No on-site storage of trailers is permitted;~~

~~(3) No on-site food preparation shall be permitted;~~

~~(4) No off-street parking spaces shall be required;~~

~~(5) The hours of operation shall be limited to 7:00 a.m. to 5:00 p.m. on Saturdays and Sundays;~~

~~(6) Litter on the site and on public rights of way and spaces adjacent to or within 75 feet of the premises shall be picked up at least twice during the day and at the close of the market, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the market is in operation;~~

~~(7) Market operations:~~

~~(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 department of planning and zoning prior to opening of the market;~~

~~(b) The market master or his/her designee 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;~~

~~(c) The market master shall prepare a plan for the layout of the market for approval by the director~~

~~of planning and zoning prior to beginning operations, and shall obtain approval of the director of planning and zoning for changes to those plans;~~

~~(d) The market master shall prepare a set of rules for operation of the market for approval by the director of planning and zoning, 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;~~

~~(e) The rules shall state who is eligible to sell goods in the market and under what conditions. It is the expectation that the produce will be predominantly grown by the vendors, except during the spring and late fall when resale produce may predominate. It is also the expectation that baked and prepared goods will be sold at the market;~~

~~(f) The market master shall maintain a list of vendors with addresses and telephone numbers.~~

~~(G) *Specific standards for restaurants:*—~~

~~(1) The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m. daily;~~

~~(2) The applicant shall post the hours of operation at the entrance to the restaurant;~~

~~(3) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour;~~

~~(4) Restaurant seating shall be limited to 60 seats. Of that number, no more than sixteen seats may be located at outdoor tables in front of the restaurant. Outdoor seating shall not encroach onto the public right of way unless authorized by an encroachment ordinance;~~

~~(5) Limited, non-amplified live entertainment consisting of not more than two performers may be offered at the restaurant;~~

~~(6) Restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right of way;~~

~~(7) Limited beer and wine service may be provided;~~

~~(8) No food, beverages, or other material shall be stored outside;~~

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

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

~~(11) No amplified sound shall be audible at the property line;~~

~~(12) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.~~

~~(13) The administrative permit, and standards, approved by the director pursuant to section 4-1404 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.~~

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:

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

5-102.1 Administrative special uses. The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- (D) Restaurant;
- (E) Outdoor garden center;
- (F) 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;
- (B) Apartment hotel;
- (B.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-102 (C.1);
- ~~(F) Day care center;~~
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-102(C.3);
- (I) Home for the elderly;
- (J) Hotel;

- (J.1) Massage establishment;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (K.1) Outdoor food and crafts market, other than pursuant to section 5-102.1;
- (K.2) Outdoor garden center, other than pursuant to section 5-102.1;
- (L) Nursing or convalescent home or hospice;
- (M) Private school, academic or commercial, with more than 20 students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-102 (G.1) or 5-102.1.

5-110 Use limitations. ~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

- (A) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

5-202 Permitted uses. The following uses are permitted in the CRMU-M zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (B) Multifamily dwelling;
- (C) Business and professional office;
- (C.1) Convenience store within an office complex;
- (C.2) Day care center;
- (C.3) Health and athletic club located within a shopping center, hotel or office complex;
- (D) Medical laboratory;
- (E) Medical office;
- (E.1) Motor vehicle parking or storage for 20 vehicles or fewer;
- (F) Personal service establishment;
- (G) Radio or television broadcasting office and studio;
- (G.1) Restaurant located within a shopping center or hotel;
- (H) Retail shopping establishment;

- (I) Utilities, as permitted by section 7-1200;
- (J) Accessary uses, as permitted by section 7-100.

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

~~5-210 Use limitations.~~ ~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

- (A) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

5-302 Permitted uses. The following uses are permitted in the CRMU-H zone:

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

5-302.1 Administrative special uses. The following uses may be allowed in the CRMU-L zone with administrative approval, subject to section 11-513 of this ordinance:

- (A) Restaurant;
- (B) Outdoor garden center;
- (C) 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;
- (B) Apartment hotel;
- (B.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (C) Bus shelter on private property;
- (D) Congregate housing facility;
- (E) Convenience store, other than pursuant to section 5-302 (C.1);
- ~~(F) Day care center;~~
- (G) Drive through facility;
- (H) Health and athletic club, other than pursuant to section 5-302(C.3);
- (I) Home for the elderly;

- (J) Hotel;
- (J.1) Massage establishment;
- (K) Motor vehicle parking or storage for more than 20 vehicles;
- (L) Nursing or convalescent home or hospice;
- (L.1) Outdoor food and crafts market, other than pursuant to section 5-302.1;
- (L.2) Outdoor garden center, other than pursuant to section 5-302.1;
- (M) Private school, academic or commercial, with more than twenty students on the premises at one time;
- (N) Restaurant, other than pursuant to section 5-302 (G.1) or 5-302.1.

5-310 Use limitations. ~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

- (A) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.
- (B) A day care center shall provide adequate drop off and pick up facilities so as to create minimal impact on pedestrian and vehicular traffic.
- (C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in 4 packs, 6 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% or more by volume) may not be sold.

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

5-402 Permitted uses. The following uses are permitted in the CRMU-X zone:

- (A) Single-family dwelling;
- (A.1) Two-family dwelling;
- (A.2) Townhouse dwelling;
- (A.3) Motor vehicle parking or storage for 20 vehicles or fewer;
- (B) Utilities, subject to section 7-1200;
- (C) Accessory uses, as permitted by section 7-100.

5-402.1 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) Restaurant;
- (B) Outdoor garden center;
- (C) 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:

- (A) Multifamily dwelling;
- (B) Amusement enterprise;
- (C) Apartment hotel;
- (C.1) Bakery exceeding 3,500 square feet which includes a retail component;
- (D) Business and professional office;
- (E) Bus shelter on private property;
- (F) Congregate housing facility;
- (G) Convenience store;
- (H) Day care center;
- (I) Fraternal or private club;
- (J) Health and athletic club;
- (K) Home for the elderly;
- (L) Hotel;
- (M) Medical care facility;
- (N) Medical laboratory;
- (O) Medical office;
- (O.1) Motor vehicle parking or storage for more than 20 vehicles;
- (P) Nursing or convalescent home or hospice;
- (P.1) Outdoor food and crafts market, other than pursuant to section 5-402.1;
- (P.2) Outdoor garden center, other than pursuant to section 5-402.1;
- (Q) Personal service establishment;
- (R) Pet supplies, grooming and training, with no overnight accommodations;
- (S) Private school, academic or commercial;
- (T) Public building;
- (U) Radio or television broadcasting office and studio;
- (V) Restaurant, other than pursuant to section 5-402.1;
- (W) Retail shopping establishment;
- (X) Social service use.

5-410 Use limitations.~~Health club use shall include health, athletic, and bath clubs or establishments, massage establishment, including facilities incidental to such uses; provided, however, that a special use permit granted for the operation of a massage establishment as defined in section 11-4-1 of the city code shall apply exclusively to the permittee named therein and shall not be transferable to any other firm or individual.~~

5-600 CDD/Coordinated development district.

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

....

(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;

(2) health and athletic club in an office complex.

ARTICLE VI: SPECIAL AND OVERLAY ZONES

Sec. 6-600 Mount Vernon Avenue Urban Overlay Zone

6-603 Uses.

(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 ~~11-513.6-608~~ of this ordinance; provided however that the director may determine that a special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are documented criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator. Alternatively, at the applicant's discretion, the applicant may seek special use permit approval for such uses pursuant to section ~~11-500~~ of this ordinance.

- (1) Restaurants, up to a maximum of 60 seats
- (2) Outdoor dining, up to a maximum of 16 seats
- (3) Amusement enterprise, limited to live theater
- (4) Outdoor food and crafts markets
- (5) Neighborhood outdoor garden center, limited to a maximum size of 10,000 square feet
- (6) Outdoor display of retail goods

[Procedures and standards for the Mount Vernon Overlay administrative SUPs is moved to section 11-513]

~~**6-607 Standards and procedures for administrative approvals.**~~

~~(A) *Application of this Section generally.*~~

~~(1) An applicant may seek administrative approval of a use listed in section 6-603(D) pursuant to the standards and procedures outlined in this section.~~

~~(2) At the applicant's discretion, the applicant may choose, as an alternative to an administrative permit, to seek special use permit approval for such uses pursuant to section 11-500 of the zoning ordinance.~~

~~(3) Any change in the nature of the use or any enlargement, extension or increase in the intensity of that use beyond that outlined in the standards of this section shall be subject to review by the director and shall require a special use permit approved by the city council;~~

~~(4) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the planning commission.~~

~~(B) *Procedure.*~~

~~(1) Applicants for administrative permits under this section shall file an application with the~~

~~director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.~~

~~(2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, and given to nearby civic and business associations. The public may submit comments to the director within 14 days after publication of the notice.~~

~~(3) After review for compliance with the standards of this section 6-607, the director may approve, approve with conditions, or deny the application. The decision of the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply. The director's decision may be appealed to the planning commission. Such appeal shall be filed within 30 days from the date of the decision appealed by filing a notice of appeal with the department of planning and zoning. Such notice shall be a written statement specifying the grounds on which the person is aggrieved and the basis for the appeal.~~

~~(C) Standards for administrative permits.—~~

~~(1) General standards for all administrative uses:—~~

~~(a) The application shall be reviewed for compliance with this section 6-607 as well as with applicable provisions of section 11-500.~~

~~(b) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.~~

~~(c) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-503(F) of this ordinance.~~

~~(d) The applicant shall provide information on alternative forms of transportation to access Mt. Vernon Avenue including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods. The applicant shall encourage its employees and customers to use mass transit or to carpool when 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.~~

~~(e) At such time that a shared parking program has been adopted by the city council, the applicant shall participate in the program. In addition, the applicant shall require its employees who drive to work to use off-street parking.~~

~~(f) 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.~~

~~(g) 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 of planning and zoning.~~

- ~~(h) 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.~~
- ~~(i) 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.~~
- ~~(j) No outdoor speakers shall be permitted.~~
- ~~(k) The administrative permit approved by the director pursuant to this section 6-607 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.~~
- ~~(l) Improvements may be required to the facade or the front of the business establishment, including landscaping and site improvements, consistent with chapter 6 of the Mount Vernon Avenue Business Area Plan as adopted as part of the master plan, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that plan.~~
- ~~(m) 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.~~
- ~~(2) *Specific standards for live theater:*—~~
 - ~~(a) 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.~~
 - ~~(b) 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.~~
 - ~~(c) The hours of performances shall be limited to 11:00 a.m. to 11:00 p.m. daily.~~
 - ~~(d) 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 on how to prevent underage sales of alcohol.~~
- ~~(3) *Specific standards for outdoor food and crafts markets:*—~~
 - ~~(a) No alcohol sales shall be permitted;~~
 - ~~(b) No on-site storage of trailers is permitted;~~
 - ~~(c) No on-site food preparation shall be permitted;~~
 - ~~(d) The hours of operation shall be limited to 7:00 a.m. to sundown and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.~~
 - ~~(e) Market operations shall include:~~
 - ~~(1) 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;~~
 - ~~(2) The market master or his/her designee 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;~~

~~(3) The market master 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.~~

~~(4) The market master 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;~~

~~(5) 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;~~

~~(6) The market master shall maintain a list of vendors with addresses and telephone numbers.~~

~~(4) *Specific standards for restaurants:*—~~

~~(a) The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The closing hour for indoor seating may extend until 12:00 midnight four times a year for special events.~~

~~(b) The applicant shall post the hours of operation at the entrance to the restaurant.~~

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

~~(d) Restaurant seating shall be limited to 60 seats.~~

~~(e) Limited, non-amplified live entertainment may be offered at the restaurant. 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.~~

~~(f) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right of way.~~

~~(g) Beer and wine table service may be provided. No off premise alcohol sales are permitted.~~

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

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

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

~~(k) 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 on how to prevent underage sales of alcohol.~~

~~(5) *Specific standards for outdoor dining:*—~~

~~(a) No more than sixteen seats may be located at outdoor tables in front of the restaurant. Outdoor seating shall not encroach onto the public right of way unless authorized by an encroachment ordinance.~~

~~(b) The outdoor dining shall be an accessory use to an approved restaurant.~~

- ~~(e) The hours of operation of the outdoor dining area shall be limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.~~
- ~~(6) Specific standards for neighborhood outdoor garden center:—~~
 - ~~(a) The site for the outdoor garden center may be no larger than 10,000 square feet.~~
 - ~~(b) The hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Saturday, and from 8:00 a.m. to 8:00 p.m. on Sunday.~~
 - ~~(c) A plan showing the layout of the garden center, including areas for storage, on-site deliveries, and vehicles; appropriate screening; the design of any building or structure; and the view from Mount Vernon Avenue and neighboring properties shall be submitted for review and approval by the director.~~
 - ~~(d) Deliveries shall be limited to during normal business hours and shall occur in the location shown in the approved plan.~~
- ~~(7) Specific standards for outdoor display. Notwithstanding any contrary provisions of this ordinance, the display of goods from a retail sales establishment is permitted, subject to the following:—~~
 - ~~(a) The requirements of section 4-107(A) shall apply.~~
 - ~~(b) Only goods from the adjacent store are permitted to be displayed.~~
 - ~~(c) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.~~
 - ~~(d) No sales may occur in the outdoor display area.~~
 - ~~(e) The outdoor display area may include no structures or other permanent changes to the exterior.~~
 - ~~(f) There shall be no music, speakers, or amplified sounds associated with the outdoor display.~~
 - ~~(g) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.~~
 - ~~(h) The outdoor sales may not encroach into the public right-of-way.~~

Sec. 6-700 KR/King Street Urban Retail Zone

6-702 Uses. Uses in the King Street urban retail zone are divided into two categories, depending on their location, in order to protect and enhance opportunities for existing and future retail uses. The two use categories, which are each further divided into permitted and special uses, are defined as followed:

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

Upper floor uses : The second category of uses is all space that is not located within the

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

(A) *Ground floor uses*

(1) *Permitted uses.*

- (a) Building lobby, with a frontage of less than 30 feet along King Street;
- (b) City sponsored farmers' market;
- (c) Personal service establishment, with a frontage of less than 30 feet along King Street;
- (d) Pet supplies, grooming/training with no overnight accommodations;
- (e) Retail shopping establishment, less than 10,000 square feet in size;
- (f) Utilities, as permitted by section 7-1200;
- (g) Accessory uses.

(2) *Special uses:*

- (a) Amusement enterprise;
- (b) Bakery, exceeding 3500 square feet, which includes a retail component;
- (c) Church;
- (d) Convenience store;
- (e) Health and athletic club;
- (f) Hotel;
- (g) Outdoor food and craft market;
- (h) Motor vehicle parking and storage, including as an accessory use to accommodate required parking, in a structure that is visually screened with active uses for at least 25 feet, measured from the property line on King Street.
- (i) Personal service establishment or building or hotel lobby, extending for more than 30 feet along King Street;
- (j) Public building;
- (k) Restaurant, other than pursuant to section 6-702 (C);
- (l) Retail shopping establishment, over 10,000 square feet in size;

(B) *Upper floor uses.*

(1) *Permitted uses:*

- (a) Any use permitted as a ground floor use under section 6-702(A)(1);
- (b) Multifamily dwelling units or accessory apartments;
- (c) Business and professional office;
- (d) Medical office;
- (e) Medical laboratory;
- (f) Personal service establishment;
- (g) Radio or television broadcasting office and studio.

(2) *Special uses:*

- (a) Any use allowed as a ground floor special use under section 6-702(A)(2);
- (b) Apartment hotel;
- (c) Catering operation;
- (d) Congregate housing;
- (e) Day care center, day nursery or nursery school;
- (f) Home for the elderly;
- (g) Fraternal or private club;
- (g.1) Massage establishment;
- (h) Medical care facility;
- (i) Motor vehicle parking or storage;
- (j) Newspaper office, including printing and publishing facilities;
- (k) Private school, commercial or academic;
- (l) Rooming house;
- (m) Social service use;
- (n) Wholesale business.

(C) *Administrative special uses.* Notwithstanding any contrary provisions of this ordinance, the following uses may be allowed by the director by administrative review and approval pursuant to the standards and procedures of section 11-513 of this ordinance; ~~6-706 of this ordinance~~; provided however that the director may determine that a special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are documented criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator. Alternatively, at the applicant's discretion, the applicant may seek special use permit approval for such uses pursuant to section ~~11-500 of this ordinance~~.

- ~~(1) Outdoor dining, up to a maximum of 20 seats, pursuant to section 6-706 and the King Street outdoor dining overlay zone, section 6-800;~~
- (1) Valet parking;
- (2) Restaurant.

**[Standards and procedures for King Street administrative SUPs is moved to section 11-513]
~~6-706 Standards and procedures for administrative approvals.~~**

~~(A) Application of this section generally.—~~

~~(1) An applicant may seek administrative approval of a use listed in section 6-702(C) pursuant to the standards and procedures outlined in this section 6-706.~~

~~(2) At the applicant's discretion, the applicant may choose, as an alternative to an administrative permit, to seek special use permit approval for such uses pursuant to section 11-500 of the zoning ordinance.~~

~~(3) Any change in the nature of the use or any enlargement, extension or increase in the intensity of that use beyond that outlined in the standards of this section 6-706 shall be subject to review by the director and may require a special use permit approved by the city council;~~

~~(4) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the planning commission.~~

~~(B) Procedure.—~~

~~(1) Applicants for administrative permits under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the applicant as required by section 11-503 of this ordinance.~~

~~(2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, and given to nearby civic and business associations. The public may submit comments to the director within 14 days after publication of the notice.~~

~~(3) After review for compliance with the standards of this section 6-706, the director may approve, approve with conditions, or deny the application. The decision of the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply. The director's decision may be appealed to the planning commission. Such appeal shall be filed within 30 days from the date of the decision appealed by filing a notice of appeal with the department of planning and zoning. Such notice shall be a written statement specifying the grounds on which the person is aggrieved and the basis for the appeal.~~

~~(C) Standards for administrative permits.—~~

~~(1) General standards for all administrative uses :-~~

~~(a) The application shall be reviewed for compliance with this section 6-706 as well as with applicable provisions of section 11-500.~~

~~(b) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are documented criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.~~

~~(c) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-503(F) of this ordinance.~~

~~(d) The applicant shall encourage its employees to use mass transit or to carpool when 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.~~

~~(e) The applicant shall require its employees who drive to work to use off-street parking.~~

~~(f) The applicant shall participate in any organized program to assist with both employee and customer parking for businesses, such as the Park Alexandria program, that is formed as a result of suggested parking strategies in the King Street retail strategy.~~

~~(g) The applicant shall install signs inside the building indicating the location of off-street parking in the area, post similar information on the business' website and otherwise inform customers about the parking.~~

~~(h) Trash and garbage shall be stored inside the building 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.~~

~~(i) 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.~~

~~(j) 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 cleaned 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.~~

~~(k) No amplified sound shall be audible at the property line.~~

~~(l) The administrative permit approved by the director pursuant to this section 6-706 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.~~

~~(m) Improvements may be required to the facade or the front of the business establishment, including landscaping and site improvements, consistent with the King Street retail strategy as adopted as part of the master plan, and as determined by the director to be necessary and appropriate to achieve the design and streetscape objectives of that strategy.~~

~~(n) 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.~~

~~(2) *Specific standards for valet parking.*~~

~~(a) The applicant shall submit a detailed plan for approval by the director and the director of transportation and environmental services. The plan shall include the following at a minimum:~~

~~(1) The location of the drop-off area as well as the location for the parked vehicles to be stored;~~

~~(2) The proposed days and hours of operation of the valet parking plan;~~

~~(3) The number of spaces available at the vehicle storage site, which shall be of sufficient capacity for the use or uses from which vehicles will be valeted;~~

~~(4) Adequate assurance that the owner and operator of the vehicle storage site is agreeable to the proposed valet plan;~~

~~(5) The size and design of the drop-off site and identification of any on-street parking spaces that will be lost during the period that the valet parking plan is in effect, such spaces to be kept to a minimum;~~

~~(6) Demonstration that the location of the drop-off site will not interfere with traffic, remaining parking, bus stops, or transit passengers or pedestrians;~~

~~(7) The proposed graphics for the drop-off site, including signage and uniformed staff, with sufficient visibility but designed to be compatible with the streetscape as determined by the director;~~

~~(8) The proposed number of attendants, which shall be sufficient to adequately staff the operation;~~

and

~~(9) If the proposed valet plan includes more than one business, the identity of the party or entity responsible for compliance with the approved valet parking plan.~~

~~(b) No vehicle shall be parked or temporarily stored by an attendant on streets, alleys, or sidewalks.~~

~~(c) No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the Old and Historic Alexandria district board of architectural review.~~

~~(d) 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.~~

~~(e) 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 6-706(C)(3). 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.~~

6-707 Use limitations.

(A) All operations, except those administrative uses enumerated in section 6-702(C) ~~(1) (2) and (3)~~, shall take place within a completely enclosed building except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use.

(B) Appliance sales, repair and rental shall be limited to small appliances only, such as televisions, radios, lawnmowers, kitchen counter and small electronic appliances and like items which do not exceed one horsepower in size.

(C) No use shall be conducted in any manner which would render it noxious or offensive by reason of dust, refuse matter, odor, smoke, gas fumes, noise, vibration or glare.

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

~~(DE)~~ The property owner and occupant shall maintain all building and property appurtenances located within or over the public right-of-way in a safe, clean and attractive fashion, as reasonably

determined by the director.

(E) A day care center, commercial school or massage establishment shall obtain all required state, federal and local licenses and certificates prior to the opening of its place of business.

ARTICLE IX: DEVELOPMENT APPROVALS AND PROCEDURES

Sec. 11-500 Special use permits.

11-503 Procedure.

~~(F) *Change in ownership only.* Where an application under this section 11-500 is necessitated solely by a change in ownership of the use that is subject to the special use permit, and the circumstances set forth in paragraph (1) below apply, the director may administratively approve such application and transfer the special use permit to the new applicant only.~~

~~(1) The circumstances which are a condition to such administrative approval are as follows:~~

~~(a) The applicant is not requesting a change in the conditions of the special use permit.~~

~~(b) There have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.~~

~~(c) There are no changes proposed or anticipated in the operation of the use involved.~~

~~(d) The director has concluded that no new conditions, and no amendments to existing conditions are necessary, other than as may be required by the following:~~

~~(1) standard conditions promulgated by the director, approved by City Council and agreed to by the applicant in writing; or~~

~~(2) such additional conditions as the director finds necessary for the public benefit, in keeping with the use and the special use permit approved therefor, and agreed to by the applicant in writing.~~

~~(e) Following notice of the application in a newspaper of general circulation in the city, no person has requested the director to forward the application to city council.~~

~~(2) Where the director approves an application under this section 11-503(F), sections 11-503(A) through (E) shall not apply to the application. However, where such application is not approved by the director, it shall be subject to the same procedural requirements of any other application for a special use permit. The director is authorized to issue regulations governing administrative approvals issued under this section 11-503(F).~~

Section 11-511 *Administrative Amendment to SUP.* The director is authorized to approve the following amendments to special use permits under the following circumstances and procedures.

(A) *Amendments Authorized.*

(1) *Change in ownership.* Where an application is necessitated solely by a change in ownership of the use, the director may administratively approve such application and transfer the special use permit to the new applicant.

(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; and
 - (b) the proposal will not change the character of the use or increase its overall intensity, including no more than the following increases:
 - (i) additional hours of operation, but not to exceed hours consistent with nearby uses;
 - (ii) 10% additional seats for a restaurant; and
 - (iv) similar increases for other aspects of the use.
 - (3) *Special Events.* Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of an event, promotional program or city-sponsored festival in which the business is participating. The procedures required under this section 11-511 shall not apply in such cases.
- (B) *Required Findings and New Conditions.* Prior to the administrative approval of a change of ownership or a minor amendment, the Director is required to find that:
- (1) there have been no substantiated violations of the special use permit conditions which were not corrected immediately, constitute material or repeat violations or which created a material and direct adverse impact on the surrounding community.
 - (2) new conditions or amendments to existing conditions are necessary, and are being added because they are either:
 - (a) standard conditions promulgated by the director, approved by City Council and agreed to by the applicant in writing; or
 - (b) such additional conditions as the director finds necessary for the public benefit, in keeping with the use and the special use permit approved therefor, and agreed to by the applicant in writing.
- (C) *Procedure.*
- (1) The Director shall placard the property, cause email notice to the affected civic associations and prominently post a list of pending administrative applications on the department web page for review by the public. Such notice shall be given at least 14 days prior to the approval of an amendment under this section.

- (2) An application for an administrative approval under this section 11-511 which is not approved by the director shall be subject to the same procedural requirements of any other application for a special use permit.
- (3) The director is authorized to issue regulations governing administrative approvals issued under this section 11-511.

~~11-511 Administrative approval of minor changes. The director is authorized to approve those changes to an approved special use permit which constitute no more than a minimal enlargement or extension of the special use, where the director determines that [the] following requirements are met:~~

~~(A) There have been no written or oral complaints that the use is in violation of the zoning ordinance.~~

~~(B) At the time the special use permit was approved, no opposition was presented to the planning commission or the city council by persons speaking at a public hearing or submitting written comments.~~

~~(C) The proposed changes do not involve an increase in the intensity of the use. An increase in the following, without limitation, would typically constitute an increase in intensity of use:~~

~~(1) Hours of operation;~~

~~(2) Number of seats;~~

~~(3) Number of employees, visitors or customers; or~~

~~(4) Number of vehicle trips generated.~~

~~(D) In addition to publishing newspaper notice of the proposed changes, the director has notified the planning commission and each docket subscriber under section 11-304, and no person, including a planning commission member, has requested that the proposal be docketed for consideration by the planning commission.~~

~~(E) The changes are so insignificant that they will have little or no zoning impact on the adjacent properties or the neighborhood.~~

~~(F) No new conditions and no amendments to existing conditions are necessary.~~

~~(G) Notwithstanding any provision of this ordinance to the contrary, the director may approve a temporary extension in the hours of operation of a business subject to an approved special use permit, to coincide with the hours of operation of a city sponsored festival, event, or promotional program in which the business is participating.~~

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.

(A) Jurisdiction and procedures for administrative approval.

- (1) An applicant for an administrative SUP under this section shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose. The application shall include a statement identifying the

- applicant as required by section 11-503 of this ordinance.
- (2) Notice of a pending administrative permit application shall be made in a newspaper of general circulation in the city, posted on the subject property, given to nearby civic and business associations by email, and prominently posted on the department web page in a list of pending administrative applications for review by the public. The public may submit comments to the director regarding the application. No application may be approved sooner than 21 days from the time notice is given to the public.
 - (3) The application shall be reviewed for compliance with this section 11-513 as well as with applicable provisions of section 11-500.
 - (4) As an alternative to an administrative approval, an applicant may choose to seek special use permit approval pursuant to section 11-500 of the zoning ordinance.
 - (5) After review the director may approve, approve with conditions, or deny the application. An approval by the director shall be deemed to have the force and effect of a special use permit, under section 11-500, except that provisions of 11-507 shall not apply. The director's decision may be appealed to the planning commission. Such appeal shall be filed within 30 days from the date of the decision appealed by filing a notice of appeal with the department. Such notice shall be a written statement specifying the grounds on which the person is aggrieved and the basis for the appeal.
 - (6) The director may determine that administrative approval is not appropriate and that special use permit approval shall be required if the proposal will not be compatible with the adjacent and surrounding properties, if the applicant fails to meet the standards for the permit, if the applicant fails to consent to the conditions of the administrative permit or if after consultation with the police department it is determined that there are criminal or nuisance activities or zoning ordinance violations at the proposed location or with the proposed operator.
 - (7) In the event any person, whether owner, lessee, principal, agent, employee or otherwise, materially fails to comply with any standard of this section, the director may suspend or revoke the administrative approval in whole or in part and on such terms and conditions as deemed necessary to effect the cure of such failure. The applicant or his successor in interest may appeal this suspension or revocation pursuant to section 11-205(B) et. seq. of this ordinance, except that such appeal shall be heard by the planning commission.

(B) General standards for all administrative uses:

- (1) The administrative permit shall be granted to the applicant only or to any business or entity in which the applicant has a controlling interest. Any change in the ownership of the use that is the subject of the administrative permit may be transferred administratively with the approval of the director pursuant to the requirements of section 11-511 of this ordinance.
- (2) The applicant shall provide information about alternative forms of transportation to

- access the location of the use, 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 or to carpool when 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.
 - (3) At such time as an organized parking program is adopted by city council to assist with employee or customer parking for the area in which the subject property is located, such as a shared parking program or the Park Alexandria program, the applicant shall participate in the program.
 - (4) The applicant shall require its employees who drive to work to use off-street parking.
 - (5) 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.
 - (6) 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 6-607 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.
 - (12) 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.
 - (13) 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.
 - (14) 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.

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

(1) The facility shall obtain all required state, federal and local licenses and certificates prior to opening its place of business.

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

(3) The facility shall be located on a site so that adequate distance or buffering is provided to protect nearby residential uses from impacts from the use.

(D) *Specific standards for live theater:*

(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.

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

(1) No alcohol sales shall be permitted;

(2) No on-site storage of trailers is permitted;

(3) No on-site food preparation shall be permitted;

(4) The hours of operation shall be limited to 7:00 a.m. to sundown and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.

(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;

(b) The market master or his/her designee 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;

(c) The market master 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.

(d) The market master 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;

(e) 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.

(F) Specific standards for outdoor garden center:

(1) The site for the outdoor garden center may be no larger than 10,000 square feet.

(2) The hours of operation shall be limited to between 7:00 a.m. and 9:00 p.m. Monday through Saturday, and from 8:00 a.m. to 8:00 p.m. on Sunday.

(3) A plan showing the layout of the garden center, including areas for storage, on site deliveries, and vehicles; appropriate screening; the design of any building or structure; and the view from Mount Vernon Avenue and neighboring properties shall be submitted for review and approval by the director.

(4) Deliveries shall be limited to during normal business hours and shall occur in the location shown in the approved plan.

(5) The use shall be located a suitable distance or otherwise protected from nearby residential uses in order to avoid undue impacts.

(G) Specific standards for outdoor display Notwithstanding any contrary provisions of this ordinance, the display of goods from a retail sales establishment is permitted, subject to the following:

(1) The requirements of section 4-107(A) shall apply.

(2) Only goods from the adjacent store are permitted to be displayed.

(3) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.

(4) No sales may occur in the outdoor display area.

(5) The outdoor display area may include no structures or other permanent changes to the exterior.

(6) There shall be no music, speakers, or amplified sounds associated with the outdoor display.

(7) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.

(8) The outdoor sales may not encroach into the public right-of-way.

(H) 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.
- (3) No food, beverages, or other material shall be stored outside.
- (4) 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 & Environmental Services.
- (5) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (6) 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 & 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.

(I) Specific standards for light automobile repair.

- (1) Repair work done on the premises shall be limited to light automobile repair.
- (2) No repair work shall be done outside.
- (3) No junked, abandoned, or stripped vehicles shall be parked or stored outside.
- (4) No vehicles shall be loaded or unloaded on the public right-of-way.
- (5) No debris or vehicle parts shall be discarded on the public right-of-way.
- (6) No vehicles shall be displayed, parked, or stored on a public right-of-way.
- (7) No vehicle parts, tires, or other materials shall be permitted to accumulate outside except in a dumpster or other suitable trash receptacle or enclosure.
- (8) The area around the building shall be kept free of debris and maintained in an orderly and clean condition.
- (9) All waste products including but not limited to organic compounds (solvents), motor oils, and antifreeze shall be disposed of in accordance with all local, state and federal ordinances or regulations and shall not be discharged to the sanitary or storm sewers.
- (10) The applicant shall comply with the City of Alexandria Best Management Practices manual for automotive related industries. Contact the T&ES engineering division (703)383-4327 to obtain a copy of the manual.

(J) Specific standards for overnight pet boarding.

- (1) The applicant shall comply with the Virginia Department of Agriculture and Consumer Services Division of Animal Industry Services laws and Animal Care, Control, Property and Protection Laws of Virginia regarding Boarding Establishments.
- (2) The applicant shall submit a plan for review and approval to the Health Department that includes proposed methods of ventilation, storage and operations in order to address issues including, without limitation, noise, and waste and odor control.

(K) Specific standards for restaurants.

- (1) Citywide (applicable in all areas of the city except within the Arlandria/Upper Potomac West area, Mount Vernon Overlay zone area or the Old and Historic Alexandria District):
 - (a) The number of seats at the restaurant may not exceed 60.
 - (b) The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware.
 - (c) 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.
 - (d) The applicant shall post the hours of operation at the entrance to the restaurant.
 - (e) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.
 - (f) Limited, live entertainment may be offered at the restaurant. 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.
 - (g) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.
 - (h) Full alcohol service, consistent with a valid ABC license is permitted. No off-premise alcohol sales are permitted.
 - (i) No food, beverages, or other material shall be stored outside.
 - (j) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.

- (k) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (l) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (m) 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 & 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.

(2) Arlandria/Upper Potomac West Plan area:

- (a) The number of seats at the restaurant may not exceed 60.
- (b) The hours of operation shall be limited to 7:00 a.m. to 11:00 p.m.
- (c) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.
- (d) Limited, nonamplified live entertainment consisting of not more than two performers may be offered at the restaurant.
- (e) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way.
- (f) Alcoholic beverage service is limited to beer and wine.
- (g) No food, beverages, or other material shall be stored outside.
- (h) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (j) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

(3) Mount Vernon Avenue urban overlay zone area:

- (a) The number of seats at the restaurant may not exceed 60.
- (b) The hours of operation shall be limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The closing hour for indoor seating may extend until 12:00 midnight four times a year for special events.
- (c) The applicant shall post the hours of operation at the entrance to the restaurant.
- (d) Meals ordered before the closing hour may be served, but no new patrons

may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.

- (e) Limited, live entertainment may be offered at the restaurant. 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.
- (f) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to one delivery vehicle, with a dedicated off-street parking space, and shall not be parked on the public right-of-way. No delivery of alcoholic beverages is permitted.
- (g) Alcoholic beverage service is limited to beer and wine table service. No off-premise alcohol sales are permitted.
- (h) No food, beverages, or other material shall be stored outside.
- (i) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (j) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.

(4) Old and Historic Alexandria District:

- (a) The number of seats at the restaurant may not exceed 60.
- (b) The restaurant shall offer full service, including printed menus and wait service provided at tables and preset tables with nondisposable tableware.
- (c) The hours of operation shall be no greater than the prevailing hours for 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.
- (d) The applicant shall post the hours of operation at the entrance to the restaurant.
- (e) Meals ordered before the closing hour may be served, but no new patrons may be admitted after the closing hour, and all patrons must leave by one hour after the closing hour.
- (f) Limited, live entertainment may be offered at the restaurant. 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.
- (g) Full service restaurants with a minimum of 40 seats may offer delivery service which shall be limited to nonvehicular (pedestrian or bicycle) delivery. No delivery of alcoholic beverages is permitted.
- (h) Alcoholic beverage service is limited to beer and wine. No off-premise

- alcohol sales are permitted.
- (i) The following findings must be made:
 - (1) the request does not significantly impact nearby residential neighborhoods;
 - (2) the restaurant will not replace a retail use;
 - (3) the restaurant will not have a undue negative impact on the availability of off-street parking or the parking supply in the adjacent neighborhood;
 - (4) the restaurant is not expected to be open late in the evening with consumption of alcohol predominating over food consumption; and
 - (5) the restaurant is not expected to generate litter in the nearby neighborhoods.
 - (j) No food, beverages, or other material shall be stored outside.
 - (k) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
 - (l) The applicant shall control odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
 - (m) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
 - (n) 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 & 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.

(I) Specific standards for outdoor dining

- (1) Citywide (applicable to all areas of the City except Mount Vernon Avenue Overlay Zone, Upper Potomac West/Arlandria, and the Old and Historic Alexandria District):
 - (a) Outdoor dining shall be accessory to an approved indoor restaurant.
 - (b) Outdoor dining shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
 - (c) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted are in addition to the indoor seats.
 - (d) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant.
 - (e) No live entertainment shall be permitted in the outdoor seating area.
 - (f) Outdoor seating areas shall not include advertising signage, including on umbrellas.
 - (g) On site alcohol service is permitted; no off-premise alcohol sales are

permitted.

- (h) A plan shall be submitted with dimensions showing the layout for the outdoor dining area and depicting the design, location, size and space of the dining area, chairs, tables, barriers, umbrellas and other components to be located within the area, and such additional information as the Director may reasonably require.
- (i) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.

(2) Mount Vernon overlay zone:

- (a) No more than sixteen seats may be located at outdoor tables in front of the restaurant. Outdoor seating shall not encroach onto the public right-of-way unless authorized by an encroachment ordinance.
- (b) The outdoor dining shall be an accessory use to an approved restaurant.
- (c) The hours of operation of the outdoor dining area shall be limited to 7:00 a.m. to 10:00 p.m. Sunday through Thursday and 7:00 a.m. to 11:00 p.m. Friday and Saturday. The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.

(3) Central Business District and Old and Historic Alexandria District:

- (a) The provisions of the King Street outdoor dining overlay zone in section 6-800 apply to regulate outdoor dining within the Central Business District.
- (b) Within the Old and Historic Alexandria District, but outside the boundaries of the Central Business District, outdoor dining shall comply with the following:
 - (1) Outdoor dining shall be accessory to an approved indoor restaurant.
 - (2) Outdoor dining shall not encroach onto the public right of way unless authorized by an encroachment ordinance.
 - (3) A maximum of 20 seats may be located at outdoor tables in front of the restaurant. The outdoor seats permitted are in addition to the indoor seats.
 - (4) The hours of operation for the outdoor dining shall be the same as permitted for the indoor restaurant.
 - (5) No live entertainment shall be permitted in the outdoor seating area.
 - (6) Outdoor seating areas shall not include advertising signage, including on umbrellas.

(7) On site alcohol service is permitted; no off-premise alcohol sales are permitted.

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

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

(10) Parking is not required for the first eight restaurant seats for outdoor dining.

(M) Specific standards for valet parking.

(1) The applicant shall submit a detailed plan for approval by the director and the director of transportation and environmental services. The plan shall include the following at a minimum:

(a) The location of the drop off area as well as the location for the parked vehicles to be stored;

(b) The proposed days and hours of operation of the valet parking plan;

(c) The number of spaces available at the vehicle storage site, which shall be of sufficient capacity for the use or uses from which vehicles will be valeted;

(d) Adequate assurance that the owner and operator of the vehicle storage site is agreeable to the proposed valet plan;

(e) The size and design of the drop off site and identification of any on street parking spaces that will be lost during the period that the valet parking plan is in effect, such spaces to be kept to a minimum;

(f) Demonstration that the location of the drop off site will not interfere with traffic, remaining parking, bus stops, or transit passengers or pedestrians;

(g) The proposed graphics for the drop off site, including signage and uniformed staff, with sufficient visibility but designed to be compatible with the streetscape as determined by the director;

(h) The proposed number of attendants, which shall be sufficient to adequately staff the operation; and

(i) If the proposed valet plan includes more than one business, the identity of the party or entity responsible for compliance with the approved valet parking plan.

(2) No vehicle shall be parked or temporarily stored by an attendant on streets, sidewalks.

(3) No structures are permitted in conjunction with a valet parking program, unless associated with a shared parking program among several businesses, and only after the design is reviewed for comment by the Old and Historic Alexandria district board of architectural review.

- (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.
- (5) 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.

STANDARDS FOR ADMINISTRATIVE RESTAURANT SUPS, BY NEIGHBORHOOD					
<i>Neighborhood</i>	ARLANDRIA	MOUNT VERNON	CARLYLE	OLD TOWN	PROPOSED CITYWIDE
<i>Restaurant Type</i>	All	All	Full service only Host or hostess Printed menus and wait service at preset tables with non disposable tableware	Same as citywide	Full service only Printed menus and wait service at preset tables with non disposable tableware
<i>Seats Allowed</i>	60 seats	60 seats	No limit	60 seats	60 seats
<i>Hours of Operation</i>	7am-11pm	7-10 Sun-Th 7-11 Fri - Sa Outdoor: same Indoor: 12midn 4xyear	Midnight	Same as citywide	Prevailing in area, but no more than 5a – 12midnight Outdoor: same
<i>Entertainment</i>	Limited non amplified entertainment 2 performer maximum	Limited non amplified entertainment No cover Subordinate to restaurant	No limit	Same as citywide	Same as Mount Vernon, without word “amplified”
<i>Alcohol</i>	Beer and wine service	Beer and wine table service No off premise	No limit No off premise sales No alcohol deliveries	Beer and wine service No off premise sales No alcohol deliveries	Beer, wine and alcohol no off premise sales no alcohol deliveries
<i>Delivery</i>	Delivery with 40 seats, limited to one vehicle with dedicated non public space	Same	Nonvehicular deliveries	Nonvehicular deliveries	Same as Arlandria and Mount Vernon
<i>Outdoor Seating</i>	No outdoor dining	Outdoor seats: 16 No parking required		King St Outdoor dining overlay applies in CBD. Outside CBD: same as citywide but no parking for 1 st 8 seats	Outdoor seats: 20 No live entertainment No signs in the outdoor area Plan approved by staff Full parking required