

ORDINANCE NO. 5303

AN ORDINANCE to amend and reordain Articles II – VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses, of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2020-00003.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2020-00003, the Planning Commission, having found that the public necessity, convenience, general welfare and good zoning practice so require, recommended approval to the City Council on September 1, 2020 of a text amendment to the Zoning Ordinance to adopt amendments to sections in Articles II – VIII, XI and XII to amend commercial use definitions, commercial use conditions and home occupation requirements and to change certain uses from requiring Special Use Permits and Administrative Use Permits to either Administrative Special Use Permits or permitted uses, which recommendation was approved by the City Council at public hearing on September 12, 2020;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That the following Sections of Article II of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

2-104 - Accessory use.

A use or structure which is clearly subordinate to and serves a permitted principal use;~~is customarily found in connection with the permitted principal structure or use which it serves;~~ and is subordinate in area, extent and purpose to the principal structure or use served. An accessory use or structure generally occupies less than 33 percent of the principal use or structure's gross floor area and does not change the character of the principal structure or use.

~~2-110 - Amusement arcade.~~

~~An establishment in which are located three or more amusement machines. Up to two amusement machines in any one establishment shall be considered an accessory use. The~~

limitations enumerated herein shall not apply to residential dwelling units with amusement machines for the use of residents thereof.

~~2-111 - Amusement enterprise.~~

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

~~2-112 - Amusement machine.~~

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

2-112.10 - Animal care facility.

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

~~2-112.21 - Animal shelter.~~

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

2-113.2 - Apartment hotel.

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

~~2-113.1 - Arbor.~~

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

2-113.21 - Architectural feature.

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

2-113.32 - Attic.

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

2-129.1 - Congregate recreational facilities.

A public use devoted to recreational activities typically or often pursued as a group or team, such as athletic fields, children's play apparatus areas, archery ranges, court game facilities, indoor

and outdoor swimming pools, amphitheaters, band shells, and outdoor theaters, not including drive-in theaters.

2-131—Convenience store.

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

2-131.4 - Co-ordinate station.

A station established under the provisions of sections 55-287 through 55-297 of the Code of Virginia and its amendments, known as the Virginia Co-ordinate System. as based on the co-ordinate positions established by the U.S. Coast and Geodetic Survey and extended by others with the approval of the director of transportation and environmental services, which has been permanently marked or so referenced to provide for the replacement at the exact position originally established.

2-131.1 – Crematorium.

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

2-146.1—Food court.

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

2-148.2 – Funeral home.

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

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

An establishment which as its primary purpose provides facilities, equipment and/or programs for exercise, athletics, and/or fitness, and typically includes equipment for class exercises, ball court games, running and jogging, weight and strength training, swimming, and saunas, as well as showers and locker rooms. Accessory massage and similar services may be provided. Such establishments may be open only to members and their guests on a membership basis in both individual and class formats.

2.164.1 - Live entertainment.

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

2.164.2 - Limited live entertainment.

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

2-178 – Nursery school.

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

2-181.2.1 – Outdoor dining.

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

2-181.2.2 – Outdoor market.

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

2-183.1 - Personal service establishment.

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

Animal care facility with no overnight accommodation;

2-187 - Private school, commercial.

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

2-188.1 – Recreation and entertainment use.

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

Amusement parks;

Athletic fields;

Billiard halls;

Bowling alleys;

Children's play areas;

Court game facilities;

Game rooms;

Golf courses, miniature or otherwise, and driving ranges;

Skating rinks;

Swimming pools;

Theaters;

Video arcades.

~~2-190.1—Restaurant, accessory.~~

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

~~2-190.2—Restaurant, nightclub.~~

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

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

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

~~2-190.4—Restaurant, smoke free.~~

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

2-191 - Retail shopping establishment.

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

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

2 ***

Groceries and convenience stores;

~~Variety goods;~~

~~Video rental and sales;~~

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

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

~~2-193.2 - Smoking.~~

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

Section 2. That the following Sections of Division B of Article III of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-603 - Special uses.

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

- ~~(E) Nursery school;~~
- ~~(FE) Nursing or convalescent home or hospice;~~
- ~~(F.1) Outdoor food and crafts market;~~

3-803 - Special uses.

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

- ~~(E) Nursery school;~~
- ~~(FE) Nursing or convalescent home or hospice;~~
- (F) Outdoor dining;
- ~~(F.1) Outdoor food and crafts market;~~

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

- ~~(4) Convenience store;~~
- ~~(4.1) Day care center;~~

- (7) Grocery store or convenience store, where products are not prepared or consumed on premises;
- (8) Health and athletic club or fitness studio;
- (8.1) Medical care facility;

3-902 - Permitted uses.

The following uses are permitted in the RC zone:

(I) The following commercial uses in a residential development of at least 2,000 dwelling units if limited to an area the size of the first floor or any floor below it, whichever is less, and located on the first floor or any floor below the first floor of the building:

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

(6.1) Health and athletic club or fitness studio;

3-903 - Special uses.

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

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

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

~~(4) Convenience store;~~

~~(4.1) Day care center;~~

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

(8) Health and athletic club or fitness studio;

(8.1) Medical care facility;

(8.2) Outdoor dining;

3-1002 - Special uses.

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

(B.1) Medical care facility

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

(C.2) Outdoor dining;

3-1403 - Special uses.

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

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

(3) Health and athletic club or fitness studio;

~~(4) Convenience store;~~

(4) Medical care facility;

(5) Outdoor dining;

3-1409 - Use limitations.

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

Section 3. That the following Sections of Article IV of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-102 - Permitted uses.

The following uses are permitted in the CL zone:

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

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

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

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

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

(L.1) Social service use;

4-102.1 - Administrative special uses.

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

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

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

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

~~(B) Reserved;~~

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

4-103 - Special uses.

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

(A.1) Any use with live entertainment;

~~(A.12) Bus shelter on private property;~~

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

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

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

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

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

~~(M) Restaurant, other than pursuant to section 4-102(J.1) or 4-102.1;~~

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

(N) Rooming house;

~~(O) Social service use.~~

4-107 - Use limitations.

(F) Parking for commercial uses may be located on a lot other than the one on which the commercial use is located if the other lot is zoned for commercial uses and is located within ~~500~~ 1000 feet of the use served.

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

4-202 - Permitted uses.

The following uses are permitted in the CC zone:

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

(C.1) Business and professional office;

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

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

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

(K.1) Social service use;

4-202.1 - Administrative special uses.

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

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

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

(A.2) Restaurant;

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

4-203 - Special uses.

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

(A.1) Any use with live entertainment;

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

~~(D) Convenience store~~Reserved;

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

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

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

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

~~(R) Restaurant, other than pursuant to section 4-202(I.1) or 4-202.1;~~

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

(S) Rooming house;

~~(T) Social service use.~~

4-207 - Use limitations.

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

4-302 - Permitted uses.

The following uses are permitted in the CSL zone:

~~(C) Animal care facility with no overnight accommodation;~~
~~(C.1) Business and professional office;~~

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

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

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

(K.1) Social service use;

4-302.1 - Administrative special uses.

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

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

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

~~(A.2.1) Restaurant;~~

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

4-303 - Special uses.

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

(A.1) Any use with live entertainment;

~~(A.1.2) Automobile service station;~~

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

- (G) ~~Convenience store~~Reserved;

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

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

 (S.1) Outdoor dining, other than pursuant to sections 4-302 and 4-302.1;
 (S.12) ~~Outdoor food and crafts market, other than pursuant to section 4-302.1;~~
 (S.23) Outdoor garden center, other than pursuant to section 4-302.1;

 (Y) ~~Restaurant, other than pursuant to section 4-302(J.1) or 4-302.1;~~
 (Y.1) Retail shopping establishment, larger than 20,000 gross square feet;

 (AA) ~~Social service use;~~
 (BBAA) Storage buildings and warehouses, not to include freight distribution centers;
 (CCBB) Wholesale business.

4-307 - Use limitations.

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

4-402 - Permitted uses.

The following uses are permitted in the CG zone:

- (C) ~~Animal care facility with no overnight accommodation;~~
 (C.1) Business and professional office;

 (E.1) ~~Convenience store within an office complex;~~
 (E.21) Day care center;
 (E.32) Health and athletic club or fitness studio located within a shopping center commercial complex, hotel or office complex;

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

 (J.1) Recreation and entertainment uses, indoor;
 (J.2) Restaurant located within a shopping center commercial complex or hotel;

 (L.1) Social service use;

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

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

(A.1) Restaurant;

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

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

4-403 - Special uses.

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

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

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

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

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

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

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

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

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

(Z) Rooming house;

~~(AA) Social service use.~~

4-407 - Use limitations.

~~(F) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All~~

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

4-502 - Permitted uses.

The following uses are permitted in the CD zone:

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

~~(C.4) Business and professional office;~~

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

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

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

(N.1) Social service use;

4-502.1 - Administrative special uses.

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

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

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

~~(A.2) Reserved;~~

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

4-503 - Special uses.

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

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

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

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

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

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

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

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

- ~~(Y) Social service use;~~
- ~~(ZY) Tourist home;~~
- ~~(AAZ) Wholesale business.~~

4-507 - Use limitations.

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

4-602 - Permitted uses.

- ~~(C) Animal care facility with no overnight accommodation;~~
- ~~(C.1) Business and professional office;~~

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

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

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

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

(L.1) Social service use;

4-602.1 - Administrative special uses.

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

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

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

(A.21) Restaurant;

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

4-603 - Special uses.

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

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

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

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

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

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

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

~~(W) Social service use;~~

~~(XW) Tourist home;~~

~~(YX) Wholesale business.~~

4-607 - Use limitations.

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

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4-702 - Permitted uses.

The following uses are permitted in the CR zone:

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

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

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

(B) Health and athletic club or fitness studio;

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

4-702.1 - Administrative special uses.

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

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

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

4-703 - Special uses.

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

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

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

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

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

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

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

4-707 - Use limitations.

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

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

4-802 - Permitted uses.

The following uses are permitted in the OC zone:

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

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

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

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

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

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

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

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

(L.1) Social service use;

4-802.1 - Administrative special uses.

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

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

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

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

~~(B) Reserved;~~

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

4-803 - Special uses.

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

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

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

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

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

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

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

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

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

~~(CC) Social service use;~~

~~(DDCC) Wholesale business.~~

4-807 - Use limitations.

(G) ~~A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold.~~ The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

4-902 - Permitted uses.

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

- ~~(C) Animal care facility with no overnight accommodation;~~
- ~~(C.1) Business and professional office;~~

- ~~(E.1) Convenience store within an office complex;~~
- ~~(E.21) Day care center;~~
- ~~(E.32) Health and athletic club or fitness studio located within a shopping center commercial complex, hotel or office complex;~~

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

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

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

- (L.1) Social service use;

4-902.1 - Administrative special uses.

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

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

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

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

- ~~(B) Reserved;~~

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

4-903 - Special uses.

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

- *** (A) ~~Amusement enterprise~~ Any use with live entertainment;
- *** (C.1) Food and beverage production exceeding ~~3,500~~5,000 square feet, which includes a retail component;
- *** (G) ~~Convenience store, other than pursuant to section 4-902(E.1);~~
- *** (M) ~~Health and athletic club, other than pursuant to section 4-902(E.3) or 4-902.1(A.1)~~ Reserved;
- *** (W.1) Outdoor dining, other than pursuant to sections 4-902 and 4-902.1;
- *** (W.12) ~~Outdoor food and crafts market, other than pursuant to section 4-902.1;~~
- *** (W.23) Outdoor garden center, other than pursuant to section 4-902.1;
- *** (AA) ~~Restaurant, other than pursuant to sections 4-902(K.1) and 4-902.1;~~ Recreation and entertainment use, outdoor;
- *** (CC) ~~Social service use;~~
- *** (DDCC) ~~Wholesale business.~~

4-906 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

4-1002 - Permitted uses.

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

- *** (C) ~~Animal care facility with no overnight accommodation;~~
- *** (C.1) ~~Business and professional office;~~
- *** (E.1) ~~Convenience store within an office complex;~~
- *** (E.21) ~~Day care center;~~
- *** (E.32) ~~Health and athletic club or fitness studio located within a shopping center~~ commercial complex, hotel, industrial or flex space center or office complex;

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

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

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

(L.1) Social service use;

4-1002.1 - Administrative special uses.

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

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

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

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

~~(B) Reserved;~~

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

4-1003 - Special uses.

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

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

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

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

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

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

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

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

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

~~(CC) Social service use;~~

~~(DDCC) Wholesale business.~~

4-1006 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

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4-1102 - Permitted uses.

The following uses are permitted in the OCH zone:

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

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

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

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

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

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

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

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

(N.1) Social service use;

4-1102.1 - Administrative special uses.

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

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

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

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

~~(B) Reserved;~~

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

4-1103 - Special uses.

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

- ***
(A) ~~Amusement enterprise~~ Any use with live entertainment;
- ***
(C.1) Food and beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;
- ***
(F) ~~Convenience store, other than pursuant to section 4-1102(E.1)~~ Reserved;
- ***
(L) ~~Health and athletic other than pursuant to section 4-1102(E.3) or 4-1102.1(A.1)~~ Reserved;
- ***
(S) ~~Reserved~~ Medical care facility;
- ***
(T.1) Outdoor dining, other than pursuant to sections 4-1102 and 4-1102.1;
- (T.12) ~~Outdoor food and crafts market, other than pursuant to section 4-1102.1~~;
- (T.23) ~~Outdoor garden center, other than pursuant to section 4-1102.1~~;
- ***
(W) ~~Restaurant, other than pursuant to sections 4-1102(L.1) and 4-1102.1~~ Recreation and entertainment use, outdoor;
- ***
(Z) ~~Social service use~~;
- (AAZ) ~~Wholesale business~~.

4-1106 - Use limitations.

~~(G) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

4-1202 - Permitted uses.

The following uses are permitted in the I zone:

- ***
(L) Health and athletic club or fitness studio;
- ***
(Q.2) Outdoor dining located on private property at a commercial complex;

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

(W.1) Social service use;

4-1202.1 - Administrative special uses.

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

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

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

4-1203 - Special uses.

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

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

(F) ~~Convenience store~~ Crematorium;

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

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

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

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

4-1206 - Use limitations.

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

4-1403 - Permitted uses.

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

buildings facing the sidewalk:

(3) Banks, business and professional offices, medical laboratory, health profession offices, social service uses and laundromats, provided:

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

(4) Restaurants, when located within a ~~shopping center~~ commercial complex or hotel;

(6) Private school, commercial, ~~with a maximum of 20 students on the premises at any one time and~~ with a frontage of less than 30 feet along Mount Vernon Avenue;

(7) ~~Animal care facility with no overnight accommodation~~ Recreation and entertainment use, indoor;

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

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

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

(4) Private school, commercial ~~with more than 20 students on the premises at any one time.~~

4-1403.1 - Administrative special uses.

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

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

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

(D) ~~Health and athletic club, other than pursuant to section 4-1403(A)(8);~~

(H) ~~Outdoor display of retail goods.~~

4-1404 - Special uses.

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

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

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

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

(E) Private school, commercial, ~~with more than 20 students on the premises at any one time~~
~~or~~ with a frontage of more than 30 feet along Mount Vernon Avenue;

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

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

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

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

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

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

(S) Public building;

~~(U) Social service use.~~

4-1413 - Use limitations.

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

Section 4. That the following Sections of Article V of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

5-102 - Permitted uses.

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

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

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

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

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

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

(G.1~~2~~) Restaurant located within a ~~shopping center~~ commercial complex or hotel;

(H.1) Social service use;

5-102.1 - Administrative special uses.

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

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

~~(A.1) Restaurant;~~

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

5-103 - Special uses.

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

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

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

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

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

~~(J.1) Medical care facility;~~

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

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

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

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

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

~~(P) Social service use.~~

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

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

(A) The following uses shall be considered retail:

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

(2) Health and athletic club or fitness studio;

5-110 - Use limitations.

(C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.

5-202 - Permitted uses.

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

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

~~(C.21) Day care center~~

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

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

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

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

(H.1) Social service use;

5-202.1 - Administrative special uses.

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

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

~~(A.4) Restaurant;~~

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

5-203 - Special uses.

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

(A) Amusement enterprise Any use with live entertainment;

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

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

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

(J.1) Medical care facility;

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

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

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

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

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

~~(P) Social service use.~~

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

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

(A) The following uses shall be considered retail:

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

(2) Health and athletic club or fitness studio;

5-210 - Use limitations.

~~(C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

5-302 - Permitted uses.

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

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

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

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

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

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

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

(H.1) Social service use;

5-302.1 - Administrative special uses.

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

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

~~(A.1) Restaurant;~~

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

5-303 - Special uses.

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

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

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

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

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

(J.1) Medical care facility;

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

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

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

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

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

~~(P) Social service use.~~

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

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

(A) The following uses shall be considered retail:

- (1) ~~Amusement enterprise~~ Recreation and entertainment use, outdoor;
- (2) Health and athletic club or fitness studio;

5-310 - Use limitations.

~~(C) A convenience store within an office complex shall limit alcohol sales as follows: Beer or wine coolers may be sold only in four packs, six packs or bottles of more than 40 fluid ounces. Wine may be sold only in bottles of at least 750 ml or 25.4 ounces. Fortified wine (wine with an alcohol content of 14 percent or more by volume) may not be sold. The placement or construction of items that block the visibility through windows of the interior of the commercial space from the street and sidewalk, including but not limited to walls, window film, storage cabinets, carts, shelving, boxes, coat racks, storage bins, and closets, shall be prohibited. All windows shall remain transparent. This is not intended to prevent retailers from displaying their goods in display cases that are oriented towards the street frontage.~~

5-402 - Permitted uses.

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

- (A.8) Recreation and entertainment use, indoor;
- (A.89) Retail shipping establishment, up to 20,000 gross square feet;

(F) Health and athletic club or fitness studio;

(G) Social service use.

5-402.1 - Administrative special uses.

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

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

~~(A.1) Restaurant;~~

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

5-403 - Special uses.

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

- ~~(B) Amusement enterprise~~ Any use with live entertainment;
- ~~(C) Animal care facility with no overnight accommodation;~~
- ~~(C-1) Apartment hotel;~~
- (C.21) Food or beverage production exceeding ~~3,500~~ 5,000 square feet, which includes a retail component;

- ~~(G) Convenience store~~ Reserved;

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

- (P.1) Outdoor dining, other than pursuant to sections 5.402 and 5-402.1;
- ~~(P.12) Outdoor food and crafts market, other than pursuant to section 5-402.1;~~
- (P.23) Outdoor garden center, other than pursuant to section 5-402.1;

- ~~(V) Restaurant, other than pursuant to section 5-402.1~~ Recreation and entertainment use, outdoor;
- (W) Retail shopping establishment, larger than 20,000 gross square feet;
- ~~(X) Social service use.~~

5-410 - Use limitations.

~~[Reserved.]~~

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

5-502 - Permitted uses.

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

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

- (I) Day care center, pursuant to section 5-509;
- (J) Health and athletic club or fitness studio, pursuant to section 5-509.

5-502.1 - Administrative special uses.

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

- (A) Valet parking;
- (B) Restaurant;
- (C) Outdoor dining;
- (D) Outdoor market.

5-503 - Special uses.

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

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

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

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

- ~~(J) Restaurant~~ Reserved;

5-511 - Use limitations.

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

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

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

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

Table 1. Coordinated Development Districts

CDD No.	CDD Name	Without a CDD Special Use Permit	With a CDD Special Use Permit		
			Maximum F.A.R. and/or Development Levels	Maximum Height	Uses
25	ABC-Giant/Old	CG/ Commercial Downtown	Maximum FAR: 3.5.	The maximum	Multifamily dwelling; day care

	Town North	regulations shall apply	<p>Properties in this zone are ineligible to request Special Use Permit approval for the affordable housing bonus density provisions of Section 7-700 of the Zoning Ordinance.</p> <p>Minimum open space: Residential development shall provide 40 percent of the area of the lot as open and usable space, the location and shape of which shall be subject to the director's determination that it is functional and usable space for residents, visitors and other persons. Such open space may be located on landscaped roofs or other areas fully open to the sky which are not at ground level if the Director determines that</p>	heights shall conform to the Old Town North Small Area Plan as may be amended.	center; health and athletic club or fitness studio; light assembly, service and crafts; personal service establishment; massage establishment; outdoor dining; pet supplies, grooming, training with no overnight accommodation; private school, academic or commercial, with more than 20 students on the premises at any one time; restaurant; retail shopping establishment; and valet parking.
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			<p>such space functions as open space for residents to the same extent that ground level open space would. When a development includes both residential and nonresidential uses, the residential yard and open space regulations shall be applicable to the residential component of the development.</p> <p>Minimum yards: None, except as may be applicable pursuant to the Old Town North Design Guidelines and pursuant to the supplemental yard and setback regulations of Section 7-1000 and the zone transition requirements of Section 7-900.</p> <p>Area</p>		
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			<p>Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance does not apply.</p> <p>All proposed development shall conform to the Old Town North Design Guidelines as may be amended.</p>		
26	Public Storage/ Boat US	I/Industrial regulations shall apply	<p>Maximum FAR: 2.5</p> <p>Minimum open space: A minimum of 10% of the land area occupied by primarily non-residential uses shall be provided as publicly-accessible, ground-level useable open space. A minimum of 30% of the land area within the</p>	The maximum heights shall conform to the Eisenhower West Small Area Plan as may be amended.	Multifamily dwelling; self-storage/warehouse; animal care facility with no overnight accommodation; catering; glass shop; health and athletic club or fitness studio; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; machine shop; manufacturing; massage establishment;

			<p>CDD area occupied by primarily residential uses shall be provided as useable open space, half of which must be publicly-accessible, ground-level useable open space. Publicly-accessible, ground-level useable open space may be provided at any location within the CDD area to meet the open space requirement.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p>		<p>motor vehicle parking or storage; outdoor dining; personal service establishment; printing and publishing services; private school, academic or commercial, with more than 20 students on the premises at any one time; recreational areas consisting of natural and unimproved geographic features; restaurant; retail shopping establishment; valet parking; and wholesale.</p>
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			The height-to-setback ratio required in Section 6-403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.		
27	Greenhill/West Alexandria Properties	CG/Commercial General zone regulations shall apply except that I/Industrial zone regulations shall apply for the property currently addressed 611 South Pickett Street (Tax Map Number: 057.04-05-05).	<p>Maximum FAR: 2.52, exclusive of:</p> <p>1) bonus density and height as may be approved by Special Use Permit pursuant to Section 7-700 of the Zoning Ordinance as it may be amended; and</p> <p>2) public school and public building uses.</p> <p>Minimum open space: A minimum of 25% of the land area within the CDD area shall be provided as ground-level, useable open space. Ground-level useable</p>	The maximum heights shall conform to the Landmark-Van Dorn Small Area Plan as may be amended.	<p>Multifamily dwelling;</p> <p>Amusement enterprise <u>Recreation and entertainment use</u>; active and/or congregate recreational facilities; animal care facility with no overnight accommodation; automobile and trailer rental or sales area; business and professional office; convenience store; day care center; health and athletic club or fitness <u>studio</u>; hotel; home for the elderly; improved outdoor recreational facilities intended for passive and/or non-congregate recreational activities; light assembly, service and crafts; massage establishment; medical office;</p>

			<p>open space may be provided at any location within the CDD area to meet the open space requirement. In addition to the 25% requirement, primarily residential buildings shall provide rooftop open spaces/terraces or other outdoor amenity spaces.</p> <p>Minimum yards: None, except as may be applicable pursuant to the supplemental yard and setback regulations of Section 7-1000.</p> <p>Area Requirements: There are no lot area or frontage requirements.</p> <p>The height-to-setback ratio required in Section 6-</p>		<p>outdoor dining; personal service establishment; private school, academic or commercial, with more than 20 students on the premises at any one time; public building; public park and community recreation buildings, including enclosed and semi-enclosed shelters and pavilions; public school; restaurant; retail shopping establishment; and valet parking.</p>
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			403(A) of the Zoning Ordinance and the zone transition requirements of Section 7-900 do not apply.		
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(E) Within each CDD, the following uses are permitted unless in specific conflict with the approved CDD concept plan or DSUP:

- ~~(1) Convenience store in an office complex.~~
- (21) Health and athletic club or fitness studio in an office complex.
- (32) Day care center.

Section 5. That the following Sections of Article VI of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-105 - Special uses.

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

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

6-202.1 - Administrative special uses.

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

- (A) Restaurant;
- (B) Outdoor dining;
- (C) Outdoor market.

6-203 - Special uses.

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

- (A) Any use with live entertainment;
- (A.1) Bike rental;

- ~~(D) Outdoor food and crafts market, other than pursuant to section 6-202.1;~~
- ~~(E) Outdoor dining, other than pursuant to section 6-202.1;~~
- ~~(E) Privately owned public use buildings such as civic auditoriums or performing arts centers;~~
- ~~(F) Restaurants, including outdoor cafes.~~

6-503 - Retail focus areas.

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

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

~~Private school, commercial with a maximum of 20 students on the premises at one time;~~
~~Convenience store;~~
Health and athletic club or fitness studio;
~~Animal care facility with no overnight accommodation;~~
Social service use;
~~Amusement enterprise~~ Recreation and entertainment use;

6-603 - Uses.

- (B) *Special use additions.* The following uses are allowed by special use permit, in addition to those listed in the CL zone:

(1) ~~Amusement enterprise~~ Recreation and entertainment use, limited to live theater, music venues and similar entertainment opportunities.

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

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

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

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

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

6-702 - Uses.

(A) *Ground floor uses*

(1) *Permitted uses.*

~~(a) Animal care facility with no overnight accommodations;~~

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

(a.1) Day care center with frontage of less than 30 feet along King Street.

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

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

~~(g) Accessory uses;~~

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

(2) *Special uses:*

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

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

~~(d) Convenience store~~ Reserved;

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

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

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

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

(B) *Upper floor uses.*

(1) *Permitted uses:*

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

(g) Radio or television broadcasting office and studio;

(h) Social service use.

(2) *Special uses:*

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

- ~~(m) Social service use;~~
- ~~(mm) Wholesale business.~~

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

- (1) Valet parking;
- (2) ~~Reserved~~Outdoor market;
- (3) Restaurant ~~(ground floor only);~~

6-707 - Use limitations.

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

Section 6. That the following Sections of Article VII of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

7-302 - Prohibited occupations.

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

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

7-303 - Use limitations.

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

- (A) ~~Only those persons who are bona fide residents of the premises may participate in the home occupation. There shall be no on-site employment or use of labor from persons who are not bona fide residents of the dwelling.~~ Up to two employees are permitted on-site.

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

Section 7. That the following Sections of Article VIII of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec. 8-200 - General parking regulations.

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

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

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

(16) *Specific commercial uses:*

(c) The following uses are specific commercial for the purposes of determining parking requirements:
iii. ~~Convenience store~~Reserved.

(17) *Restaurant:*

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

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

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

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

(8) Hotel or office building projects with retail, restaurant or ~~amusement enterprise~~recreation and entertainment use, indoor, as ancillary uses. No parking shall be required for the first 10,000 square feet of floor area for restaurants, for the

first 10,000 square feet of floor area for retail uses and for the first 1,000 square feet of floor area for ~~amusement enterprise~~recreation and entertainment use, indoor; provided, that such uses occupy not more than 25 percent of the total floor area of the mixed use building project. Parking for the excess floor area for such ancillary uses above 25 percent shall be provided pursuant to section 8-200(A).

Section 8. That the following Sections of Division B of Article XI of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

11-511 - Administrative amendment to SUP.

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

(A) *Amendments authorized.*

(2) *Minor amendment.* Where an application proposes a change to a city council approved special use permit which constitutes no more than a minimal enlargement or extension, the director may administratively approve the change after determining that:

(a) The changes are so insignificant, when the overall use is considered, that they will have little or no zoning impact on the adjacent properties or the neighborhood;

(b) The proposal will not change the character of the use or increase its overall intensity, including, without limitation,

(i) ~~No more than the following increases which may be permitted only once over the life of the permit:~~

(a) ~~Two additional hours of operation, but not to exceed hours consistent with an established neighborhood standard;~~

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

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

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

(e) Up to 33 percent additional floor area;

(e.1) ~~Two delivery vehicles for restaurants with a minimum of 20 seats;~~

(f) ~~Similar increases for other aspects of the use; or alternatively,~~

(ii) The proposed change is no greater than what is allowed under the standards for administrative approval for the same use under section 11-513;

(c) There have been no substantiated violations of the special use permit conditions within the last five years;

(d) ~~The proposed change when considered in conjunction with all amendments since city council approval, does not exceed in the aggregate the limitations prescribed under this section 11-511.~~

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

11-513 - Administrative special use permit.

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

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

- (2) The applicant shall provide information about alternative forms of transportation to access the ~~location of the use~~site, including but not limited to printed and electronic business promotional material, posting on the business website, and other similar methods.
- (3) The applicant shall encourage its employees ~~and customers~~ to use ~~mass transit~~public transportation ~~or to carpool when to~~ traveling to and from work, ~~by posting information regarding DASH and METRO routes, the location where fare passes for transit are sold, and advertising of carpooling opportunities.~~

- ~~(6) The applicant shall install signs inside the building indicating the location of off-street parking in the area and shall inform customers about the parking.~~
- (7) Trash and garbage shall be stored inside or in sealed containers that do not allow odors to escape or invasion by animals. No trash and debris shall be allowed to accumulate outside of those containers. Outdoor trash receptacles shall be screened to the satisfaction of the director.
- ~~(8) The applicant shall contact the crime prevention unit of the Alexandria Police Department for a security survey and robbery awareness program for employees prior to the operation of the business.~~
- (9) Litter on the site and on public rights-of-way and spaces adjacent to or within 75 feet of the premises shall be monitored and picked up at least twice during the day and at the close of the business, and more often if necessary, to prevent an unsightly or unsanitary accumulation, on each day that the business is in operation.
- ~~(10) The use must comply with the city's noise ordinance. No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.~~
- (11) The administrative permit approved by the director pursuant to this section 11-513 shall be displayed in a conspicuous and publicly accessible place. A certificate provided by the city shall inform the public of its right to examine the list of standards associated with the permit. A copy of the list of standards associated with the permit shall be kept on the premises and made available for examination by the public upon request.
- (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.

- (131) The applicant shall conduct employee training sessions on an ongoing basis, including as part of any employee orientation, to discuss all SUP provisions and requirements, and methods to prevent underage sales of alcohol.
- (142) The director may require conditions additional to those listed in the standards of this section if the director finds it to be reasonable to support the use and its compatibility with surrounding uses and the neighborhood.
- (153) The request will not significantly and negatively impact nearby residential neighborhoods.
- (164) The director of planning and zoning shall review the special use permit after it has been operational for one year, and shall docket the matter for consideration by the planning commission and city council if (a) there have been documented violations of the permit conditions which were not corrected immediately, constitute repeat violations or which create a direct and immediate adverse zoning impact on the surrounding community; or (b) the director has received a request from any person to docket the permit for review as the result of a complaint that rises to the level of a violation of the permit conditions; or (c) the director has determined that there are problems with the operation of the use and that new or revised conditions are needed.

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

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

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

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

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

- ~~(1) No alcohol sales shall be permitted~~On and off premises alcohol sales, consistent with a valid ABC license is permitted;
- ~~(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 10 p.m. and the market shall be open on those days specified in the approved permit, not to exceed a maximum of two days a week.~~
- (3) Limited live entertainment may be offered, and must comply with the City's noise ordinance.

- ~~(5) Market operations shall include:~~

- ~~(a) The applicant shall designate one person to serve as the market master, and another person to serve as alternate, and shall provide the names of those persons and their home and work telephone numbers to the director prior to the opening of the market;~~
- (b4) The market master or his/her designee applicant shall be present prior to the opening of the market and at the closing of the market and shall oversee the cleanup of the lot and adjacent sidewalk areas at the end of the market;
- ~~(e5) The market master~~ applicant shall prepare a plan for the layout of the market for approval by the director prior to beginning operations, and shall obtain approval of the director for any changes to those plans;
- ~~(d6) The market master~~ applicant shall prepare a set of rules for operation of the market for approval by the director who shall review any changes to those rules. Copies of those rules shall be given to each vendor, to nearby residents and businesses, and to the civic associations in the vicinity;
- ~~(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.~~

(I) *Specific standards for catering operation.*

- (1) The applicant shall post the hours of operation at the entrance of the business.
- ~~(2) No alcohol service is permitted.~~
- ~~(32) No food, beverages, or other material shall be stored outside.~~
- ~~(43) The applicant shall control cooking odors and smoke from the property to prevent them from becoming a nuisance to neighboring properties, as determined by transportation and environmental services.~~
- ~~(54) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.~~
- ~~(65) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and environmental services. The city's storage space guidelines and required recycling implementation plan forms are available at: www.alexandriava.gov or contact the city's solid waste division at 703-519-3486 ext. 132.~~
- ~~(76) Kitchen equipment shall not be cleaned outside, nor shall any cooking residue be washed into the streets, alleys or storm sewers.~~

(L) *Specific standards for restaurants.*

- ~~(1) The number of seats at the restaurant may not exceed 100.~~
- ~~(2) Reserved.~~
- ~~(3) The hours of operation shall be no greater than the prevailing hours of similar uses in the area, but in no event shall the restaurant stay open later than 12:00 midnight~~

~~or open earlier than 5:00 a.m. Within the Mount Vernon Avenue Overlay zone and the NR zone areas, hours are limited to from 6:00 a.m. to 11:00 p.m., Sunday through Thursday, and from 6:00 a.m. to midnight, Friday and Saturday, although the closing hour for indoor seating may be extended until midnight four times a year for special events.~~

- (41) The applicant shall post the hours of operation, ~~as well as the location of off street parking at the entrance to the restaurant.~~
- (52) ~~Meals ordered before the closing hour may be served, but no new patrons may be admitted, n~~No new meals may be ordered and no alcohol served after the closing hour, and all patrons must leave by one hour after the closing hour.
- (63) Limited, live entertainment may be offered and must comply with the city's noise ordinance. ~~No outdoor speakers shall be permitted. No amplified sound shall be audible at the property line.~~No admission or cover fee shall be charged. All entertainment shall be subordinate to the principal function of the restaurant as an eating establishment. Any advertising of the entertainment shall reflect the subordinate nature of the entertainment by featuring food service as well as the entertainment.
- (74) ~~Restaurants managed with a minimum of 20 seats may offer delivery service which shall be limited to two delivery vehicles, with a must be provided with dedicated off-street parking spaces for each delivery vehicle, and shall not be parked on the public right of way. No delivery of alcoholic beverages is permitted.~~
- (85) ~~On and off premises Full alcohol service sales, consistent with a valid ABC license is are permitted. No alcohol sales for off premises consumption are permitted. Within the West Old Town neighborhood (bounded by Cameron, North West, Wythe and North Columbus Streets), no alcohol shall be served before 11:00 a.m. or after 10:00 p.m. daily. Within the Mount Vernon Avenue Overlay zone, the NR zone and the West Old town neighborhood areas, alcohol service is limited to table service.~~
- (96) No food, beverages, or other material shall be stored outside.
- (407) Kitchen equipment shall not be cleaned outside, including floor mats, nor shall any cooking residue be washed into the streets, alleys or storm sewers.
- (448) The applicant shall control odors, smoke and any other air pollution from the operations at the site and prevent them from leaving the property or becoming a nuisance to neighboring properties, as determined by the department of transportation and environmental services.
- (429) Deliveries to the business are prohibited between 11:00 p.m. and 7:00 a.m.
- (130) The applicant shall provide storage space for solid waste and recyclable materials containers as outlined in the city's "Solid Waste and Recyclable Materials Storage Space Guidelines", or to the satisfaction of the director of transportation and environmental services. The City's storage space guidelines and required. Recycling implementation plan forms are available at: www.alexandriava.gov or contact the city's solid waste division at 703-519-3486 ext. 132.
- (141) ~~Nightclub~~ Live entertainment is not permitted, as defined in section ~~2-190.22-~~164.1;

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

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

(M) *Specific standards for outdoor dining.*

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

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

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

(6) Outdoor seating areas shall not include ~~advertising signage on outdoor dining furniture or enclosures,~~ including on umbrellas.

(7) ~~On site alcohol service, to the extent allowed for indoor dining, is permitted; no off-premise alcohol sales are permitted.~~ On and off premises alcohol sales, consistent with a valid ABC license are permitted.

(N) *Specific standards for valet parking.*

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

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

for the valet parking program will reduce potential parking congestion on the public streets.

(O) *Application to certain development special use permits.* The provisions of this section 11-513 have no application to any CO planned residential/commercial development and shall not preempt any conditions in any DSUP or CDD concept plan adopted prior to or after December 13, 2008, which conditions pertain to the establishment of restaurants and other uses which may be classified as permitted uses or as administrative SUP uses under this section 11-513 and under Ordinance #4573, adopted December 13, 2008, except as provided below:

(1) Cameron Station, DSUP #2004-0026. In the commercial space along Brenman Park Drive, the following uses shall be permitted uses and the provisions of this section 11-513(O)(1) shall preempt any conflicting provisions of DSUP 2004-0026:

(d) ~~Convenience store~~Reserved;

(f) Health and athletic club or fitness studio;

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

~~(m) Restaurant; and~~

~~(n) Retail shopping establishments.~~

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

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

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

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

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

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

Section 9. That the following Section of Article XII of the Zoning Ordinance be, and the same hereby are, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

12-214 - Abatement of nonconforming uses.

~~(D) — Any convenience store existing on October 16, 1999, and any such store thereafter established, shall be considered to be a convenience store in perpetuity, notwithstanding the addition of floor area sufficient to remove the store from the size limitation set forth in the definition of such use, unless the store also adds features to the use which, regardless of size, are inconsistent with the definition of convenience store.~~

Section 10. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 11. That the foregoing Sections of Articles II – VIII, XI and XII, as amended pursuant to Section 1 through 9 of this ordinance, be, and the same hereby are, reordained as part of the City of Alexandria Zoning Ordinance.

Section 12. That this ordinance shall become effective on the date and at the time of its final passage, and shall apply to all applications for land use, land development or subdivision approval provided for under the City of Alexandria Zoning Ordinance which may be filed after such date, and shall apply to all other facts and circumstances subject to the provisions of the City of Alexandria Zoning Ordinance, except as may be provided in Article XII of the Zoning Ordinance.

JUSTIN M. WILSON
Mayor

Introduction: 10/6/2020
First Reading: 10/6/2020
Publication:
Public Hearing: 10/17/2020
Second Reading: 10/17/2020
Final Passage: 10/17/2020