



**Zoning Text Amendment #2022-00015**  
**King Street Outdoor Dining Sidewalk Use**

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<b>Issue:</b> King Street Outdoor Dining sidewalk use permit validity dates	Planning Commission Hearing:	February 7, 2023
	City Council Hearing:	February 25, 2022
<b>Description:</b> King Street Outdoor Dining sidewalk use permit validity date change from April 1 – March 31 to October 1 – September 30. (A) Initiation of a Text Amendment; and (B) Public Hearing and consideration of a Text Amendment to change the permit validity dates for the King Street Outdoor Dining Permit on public sidewalks from April 1 – March 31 to October 1 – September 30.		
<b>Staff:</b> Ann Horowitz, Principal Planner, Department of Planning & Zoning Patrick Silva, Urban Planner, Department of Planning & Zoning Katy North, Division Chief, Department of Transportation & Environmental Services Max DeVilliers, Urban Planner, Department of Transportation & Environmental Services		
<b>Staff recommendation:</b> Staff recommends that the Planning Commission INITIATES and recommends APPROVAL of the text amendment.		

**PLANNING COMMISSION ACTION, FEBRUARY 7, 2023:** On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to initiate ZTA #2022-00015. The motion carried on a vote of 7-0. On a motion by Commissioner Lyle, seconded by Vice Chair McMahon, the Planning Commission voted to recommend approval of ZTA #2022-00015. The motion carried on a vote of 7-0.

Reason: The Planning Commission agreed with the staff analysis.

Discussion:

Chair Macek inquired as to the reason for establishing fixed dates for the King Street Outdoor Dining annual term. Staff replied that although an annual term could be applied at the implementation stage, maintaining dates at this time provided the restaurants with a set time frame for expiration as staff works toward a revised program which would merge all outdoor dining in the public right-of-way (parklets and sidewalks) into one application. The revised application process is expected to launch in the fall.

## BACKGROUND

The King Street Outdoor Dining (KSOD) overlay and permit for restaurant dining on the sidewalk along King Street and adjacent blocks to the north and south was approved by City Council ordinance as a permanent program commencing on January 1, 2006. From that time and until March 2020, the term of the annual permit was effective between April 1 and March 31. City Council waived the annual term requirement and the annual fee in March 2020 in response to the COVID-19 emergency. City Council subsequently approved measures in May 2020 to increase outdoor business opportunities on sidewalks (temporarily replacing the KSOD permit), in on-street parking spaces and in private parking lots through temporary permits. These permits were effective until September 30, 2022, when the City COVID-19 emergency expired.

Although the temporary outdoor business permits expired, opportunities for City permanent programs existed to allow the same outdoor dining and retail business activities on an annual basis. The Department of Transportation & Environmental Services (T&ES) has issued several commercial parklet permits since September 30. Similarly, approvals for outdoor dining on sidewalks were generated through Department of Planning & Zoning (P&Z) KSOD and SUP permits. Given that many restaurants in the KSOD area chose to apply for these two separate permits – the T&ES parklet permit and the P&Z KSOD sidewalk permit – City staff found that merging the two permit processes would be preferable, resulting in a less burdensome and streamlined application process for restaurant operators, which they generally support. The revised application process would require several text amendments to the Zoning Ordinance and the City Code, which City staff will propose for City Council review in late spring, to prepare for a fall 2023 program launch.

## PROPOSED TEXT AMENDMENT

In the meantime, the KSOD permits granted after October 1, 2022 will expire on March 31, 2023, given the present-day language in Zoning Ordinance Section 6-804(F). Staff proposes a text amendment to Section 6-804(F) to allow time for the development of a new one-application process, which aligns with the existing annual September 30 deadline of the parklet program, and also eliminates the need for restaurant operators to reapply for a new sidewalk dining permit before the existing March 31 deadline, less than six months after their most recent approvals.

Therefore, the text amendment is proposed to read as:

6-804 Administrative permit process.

- F. The outdoor dining permit shall be valid only between ~~April~~ October 1 and ~~March~~ September 31 of the following calendar year, subject to Section 6-805(O)(5), and shall be renewed on an annual basis. A permit fee, established pursuant to Section 11-104 of this ordinance, and based on the gross square feet of outdoor dining area, plus a minimum processing fee, shall be assessed annually.

To support the development of a one-application process for outdoor dining in the public right-of-way, easing City regulations for restaurants, staff recommends that Planning Commission initiate and recommend approval of ZTA #2022-00015.

**Attachment:**

Attachment #1: proposed amendments to Section 6-804(F).

**ATTACHMENT 1**

6-804 Administrative permit process.

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