

ORDINANCE NO. 5383

AN ORDINANCE to amend and reordain Section 3-1409 (USE LIMITATIONS) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-107 (USE LIMITATIONS), Section 4-207 (USE LIMITATIONS), Section 4-307 (USE LIMITATIONS), Section 4-407 (USE LIMITATIONS), Section 4-507 (USE LIMITATIONS), Section 4-607 (USE LIMITATIONS), Section 4-707 (USE LIMITATIONS), Section 4-807 (USE LIMITATIONS), Section 4-906 (USE LIMITATIONS), Section 4-1006 (USE LIMITATIONS), Section 4-1106 (USE LIMITATIONS), Section 4-1206 (USE LIMITATIONS), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), and Section 4-1413 (USE LIMITATIONS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-110 (USE LIMITATIONS), Section 5-210 (USE LIMITATIONS), Section 5-310 (USE LIMITATIONS), Section 5-410 (USE LIMITATIONS), Section 5-511 (USE LIMITATIONS), and Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES); Section 6-603 (USES), and Section 6-707 (USE LIMITATIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-1500 (OUTDOOR DISPLAY, SALES OR STORAGE OF GOODS OR MERCHANDISE) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and to add and ordain Section 2-182.06 (PARKLET) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00006.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2021-00006, 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 October 5, 2021 of a text amendment to the Zoning Ordinance to adopt amendments to allow outdoor dining in on-street parking spaces and retail sales on sidewalks and in on-street parking spaces in commercial zones, which recommendation was approved by the City Council at public hearing on October 16, 2021;
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 Section 2-182.06 of the Zoning Ordinance be, and the same hereby is, added and ordained, as shown:

Sec. 2-182.06 - Parklet

An extension of the sidewalk into the parking lane to be used for open space, public seating, or extra space associated with a business, such as a restaurant or a retail establishment.

Section 2. That Section 3-1409 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

3-1409 - Use limitations.

- (A) All commercial operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director in accordance with section 7-1500.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 3. That Section 4-107 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-107 - Use limitations.

- (A) All commercial operations, including storage, shall be conducted within a completely enclosed building, with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 4. That Section 4-207 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-207 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building ~~with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.~~ except: (1) A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or
- (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 5. That Section 4-307 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-307 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building ~~with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.~~ except:
- (1) ~~A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or~~
- (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

(3) In accordance with Section 5-2-29 of the City Code.

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Section 6. That Section 4-407 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-407 - Use limitations.

- (A) All operations, including storage, ~~shall take place be conducted~~ within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except:~~
- (1) ~~A temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, which permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis; or~~
- (2) ~~For uses which require a special use permit, the permit may authorize outdoor display for sales.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
- (3) In accordance with Section 5-2-29 of the City Code.

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Section 7. That Section 4-507 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-507 - Use limitations.

- (A) All operations, including storage, ~~shall take place be conducted~~ within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~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.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
- (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

(3) In accordance with Section 5-2-29 of the City Code.

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Section 8. That Section 4-607 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-607 - Use limitations.

- (A) All operations, including storage, shall take place be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a permit for the sale and/or display of plants, flowers or produce in conjunction with and on the same lot as an existing permitted use may be granted by the director which permit shall indicate the location, size, duration and purpose of the accessory outdoor use.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 9. That Section 4-707 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-707 - Use limitations.

- (A) All operations, including storage, shall take place be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~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.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 10. That Section 4-807 of the Zoning Ordinance be, and the same hereby is,

amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-807 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 11. That Section 4-906 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-906 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 12. That Section 4-1006 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1006 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 13. That Section 4-1106 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1106 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.~~except that a temporary use permit for occasional outdoor sales or seasonal sales or display in conjunction with and on the same lot as an existing permitted use may be granted by the director, and the permit shall indicate the location, size, duration and purpose of the accessory outdoor use and, if the use is seasonal, whether the permit shall continue on an annual basis.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operationaFl hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 14. That Section 4-1206 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1206 - Use limitations.

- (A) All uses and operations shall ~~take place~~ be conducted within a completely enclosed building or an area enclosed on all sides with screening or buffering adequate and reasonable to protect adjacent nearby uses, as determined by the director, with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

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Section 15. That Section 4-1403.1 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

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:

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- (H) Live theater;
- (I) ~~Outdoor display of retail goods.~~

Section 16. That Section 4-1413 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

4-1413 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~those administrative uses enumerated in sections 14-1103(B), (C) and (G) 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.~~
- (A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.



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Section 17. That Section 5-110 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-110 - Use limitations.

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- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
  - (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

Section 18. That Section 5-210 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-210 - Use limitations.

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- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
  - (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

Section 19. That Section 5-310 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-310 - Use limitations.

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- (D) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (D.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

- (D.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

Section 20. That Section 5-410 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-410 - Use limitations.

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- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

Section 21. That Section 5-511 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

5-511 - Use limitations.

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- (C) All operations, including storage, shall be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below.
- (C.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.
- (C.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:
- (1) During business operational hours;
  - (2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and
  - (3) In accordance with Section 5-2-29 of the City Code.

Section 22. That Section 5-602 of the Zoning Ordinance be, and the same hereby is, amended by inserting new language shown in underline, as follows:

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

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- (E) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses are permitted in each CDD when located in or immediately adjacent to a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

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(14) Outdoor dining and outdoor retail display and sales in a parklet, which shall comply with the requirements of section 7-1500; and

(15) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

(a) During business operational hours;

(b) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

(c) In accordance with Section 5-2-29 of the City Code.

- (F) Notwithstanding the uses that may be allowed with a CDD special use permit in each CDD zone pursuant to Sections 5-602(A) and 5-602(D) of this ordinance, the following uses may be allowed in each CDD by administrative approval, pursuant to Section 11-513 of this ordinance, when located in or immediately abutting a building constructed pursuant to a CDD special use permit, unless specifically prohibited therein:

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(2) Outdoor dining other than pursuant to Section 5-602(E)(5) or Section 5-602(E)(14);

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Section 23. That Section 6-603 of the Zoning Ordinance be, and the same hereby is, amended inserting new language shown in underline, as follows:

6-603 - Uses.

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- (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.

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(1) Restaurants;

(2) Outdoor dining, other than in a parklet;

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Section 24. That Section 6-707 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

6-707 - Use limitations.

- (A) All operations, including storage, shall ~~take place~~ be conducted within a completely enclosed building with the exception of outdoor dining and outdoor retail display and sales as set forth in the subsections below. ~~those administrative uses enumerated in section 6-702(C)(1) 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.~~

(A.1) Outdoor dining and outdoor retail display and sales in a parklet shall comply with the requirements of section 7-1500.

(A.2) Outdoor display and sales of retail merchandise is permitted on a public sidewalk immediately in front of an associated storefront for a retail use:

(1) During business operational hours;

(2) Allowing for a minimum of five feet clearance on the sidewalk for pedestrian traffic; and

(3) In accordance with Section 5-2-29 of the City Code.

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Section 25. That Section 7-1500 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough and inserting new language shown in underline, as follows:

Sec. 7-1500 - Outdoor display, sales or storage of goods or merchandise and outdoor dining in a parklet.

(A) Except as specifically permitted in this ordinance, the outdoor display, sale or storage of goods or merchandise is prohibited on all public rights-of-way and pedestrian circulation facilities, on all private streets, pedestrian circulation facilities, alleys, roadways and driveways, and in all off-street parking and loading areas.

(B) Outdoor dining or retail display and sales in a parklet.

(1) Administrative permit availability.

(a) Outdoor dining or outdoor retail display and sales in a parklet may be applied for as an administrative permit, pursuant to Section 7-1500.

(b) Obtaining approval of an administrative permit under this section eliminates the need for approval of a special use permit under Section 11-500 of this ordinance.

(2) Administrative permit process.

(a) An applicant for outdoor dining or retail display and sales in a parklet shall file an application with the director on such forms and subject to such procedures as the director may establish for the purpose.

(b) The application shall include: a plan with dimensions showing the layout for the outdoor dining or retail display and sales area, accurately depicting the parklet location, which must be directly in front of the applicant's business; specification sheets and photographs of furnishings; and such additional information as the director may reasonably require.

(c) The director shall review the application to determine if the proposed commercial use in a parklet is reasonable, attractive, and promotes pedestrian and commercial vitality.

- (d) The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be kept on the business premises.
- (e) No material change to the approved plan shall be made without prior written approval by the director.
- (f) The permit shall be valid only between April 1 and March 31 of the following calendar year. A permit fee, established pursuant to Section 11-104 of this ordinance, shall be assessed annually.
- (3) Standards for outdoor dining and retail display and sales in a public on-street parklet.
  - (a) Adhere to design guidelines for parklet furnishings as established by the director.
  - (b) Only goods from the permittee's store or authorized by the permittee's store are permitted to be displayed and sold and only food from the permittee's restaurant may be served in the parklet. The parklet use shall be under the responsible direction and control of the business.
  - (c) Parklets must be used for display and sales during all business hours of an associated retail business and for dining on days when a restaurant is operational between 6 a.m. and 11 p.m., except during inclement weather. Noncompliance will result in voiding of the permit and the ability to operate a parklet.
  - (d) Access ramps must remain unobstructed and available for pedestrians.
  - (e) Live entertainment and amplified sound are not permitted.
  - (f) One table must be handicap accessible for outdoor dining use.
  - (g) Umbrellas must provide a minimum clearance of seven feet, must be contained within the parameters of the parklet and must not feature signs or advertisements.
  - (h) The parklet must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, leaves and other potentially dangerous or unsanitary matter.
  - (i) The outdoor dining area shall be cleared and washed at the close of each business day that it is in use.
  - (j) Signage is not permitted in the parklet.
  - (k) Smoking is not permitted.
  - (l) Operation of outdoor dining or retail display and sales may only occur in an approved parklet that meets the requirements of City Code Section 5-2-29.
- (C) Outdoor retail display and sales on a public sidewalk.  
The outdoor display and sale of goods or merchandise on a public sidewalk is permitted as authorized in the use limitation sections of commercial, mixed-use, office, CDD and industrial zones.
- (BD) ~~Notwithstanding the provisions of subsection (A), a person conducting a business in a building adjacent to a public or private sidewalk may, in conjunction with a bona fide sale and in accordance with a temporary permit~~

~~issued by the city manager, display or sell goods or merchandise from that business on a portion of the sidewalk that is contiguous to the building. Outdoor retail display and sales at a city sponsored festival or public event on a public street or sidewalk.~~

- (C1) ~~Notwithstanding the provisions of subsection (A),~~ The city manager may issue a temporary permit, authorizing the participants in a city-sponsored festival or public event to display or sell goods or merchandise on that portion of any public street which has been closed to traffic in connection with such festival or event.
- (+2) Any person desiring such a permit shall apply to the city manager or her/his designee who shall issue the permit upon a finding that the proposed display or sale of goods or merchandise will not endanger the safety; and will not be inconsistent with the welfare and convenience, of the public, and who may impose such reasonable conditions as are necessary to comply with the requirement of this section.
- (23) The city manager may permit the sale of goods and merchandise on a public sidewalk only and on a portion of any public street which has been closed to traffic in connection with a city-sponsored festival or public event.
- (34) In addition to any conditions imposed by the city manager, the permittee shall, as a condition for issuance of the permit, agree in writing to defend and hold the city harmless from any and all claims, demands, losses, liability, causes of action, costs and expenses of any kind arising from or incident to any activity undertaken under the permit by the permittee or any employee or agent of the permittee.
- (45) Each permit issued under this section shall be valid only for the duration of the sale in conjunction with which it is issued or seven days, whichever is less.
- (56) No more than four permits may be issued under this section in any one year to the same permittee or to any permittee associated with the same business.
- (D) ~~The outdoor display, sale or storage of goods or merchandise on areas not subject to subsection (A) is prohibited in all commercial, office and industrial zones to the extent not expressly authorized by the use limitations set forth in the regulations applicable to such zones.~~
- (E) ~~Notwithstanding the provisions of~~ To the extent not permitted in the use limitations of a zone, section 5-602 or under subsection (DB) and the use limitations in the zones referred to therein, outdoor restaurant seating, and the sale and service of food and beverage for consumption at such seating, shall be allowed to the extent expressly authorized in a special use permit governing the operation of the entire restaurant or administrative approval pursuant to section 6-800.

Section 26. That Section 11-513 of the Zoning Ordinance be, and the same hereby is, amended by deleting the language shown in strikethrough, as follows:

Section 11-513 – Administrative special use permit.

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


- ~~(1) The requirements of section 4-107(A) shall apply.~~
- ~~(2) Only goods from the adjacent store are permitted to be displayed.~~
- ~~(3) Signage for the outdoor display is allowed in addition to signage otherwise permitted for the business, but shall be limited to a maximum aggregate size of one square foot.~~
- ~~(4) No sales may occur in the outdoor display area.~~
- ~~(5) The outdoor display area may include no structures or other permanent changes to the exterior.~~
- ~~(6) There shall be no music, speakers, or amplified sounds associated with the outdoor display.~~
- ~~(7) The approved duration of the outdoor display shall be specified in the permit which may but is not required to be limited to four times a year.~~
- ~~(8) The outdoor sales may not encroach into the public right-of-way.~~

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Section 2. That the director of planning and zoning be, and hereby is, directed to record the foregoing text amendment.

Section 3. That Section 3-1409 (USE LIMITATIONS) of Article III (RESIDENTIAL ZONE REGULATIONS); Section 4-107 (USE LIMITATIONS), Section 4-207 (USE LIMITATIONS), Section 4-307 (USE LIMITATIONS), Section 4-407 (USE LIMITATIONS), Section 4-507 (USE LIMITATIONS), Section 4-607 (USE LIMITATIONS), Section 4-707 (USE LIMITATIONS), Section 4-807 (USE LIMITATIONS), Section 4-906 (USE LIMITATIONS), Section 4-1006 (USE LIMITATIONS), Section 4-1106 (USE LIMITATIONS), Section 4-1206 (USE LIMITATIONS), Section 4-1403.1 (ADMINISTRATIVE SPECIAL USES), and Section 4-1413 (USE LIMITATIONS) of Article IV (COMMERCIAL, OFFICE AND INDUSTRIAL ZONES); Section 5-110 (USE LIMITATIONS), Section 5-210 (USE LIMITATIONS), Section 5-310 (USE LIMITATIONS), Section 5-410 (USE LIMITATIONS), Section 5-511 (USE LIMITATIONS), and Section 5-602 (COORDINATED DEVELOPMENT DISTRICTS CREATED, CONSISTENCY WITH MASTER PLAN, REQUIRED APPROVALS) of Article V (MIXED USE ZONES); Section 6-603 (USES), and Section 6-707 (USE LIMITATIONS) of Article VI (SPECIAL AND OVERLAY ZONES); Section 7-1500 (OUTDOOR DISPLAY, SALES OR STORAGE OF GOODS OR MERCHANDISE) of Article VII (SUPPLEMENTAL ZONE REGULATIONS); Section 11-513 (ADMINISTRATIVE SPECIAL USE PERMIT) of Article XI (DEVELOPMENT APPROVALS AND PROCEDURES); and Section 2-182.06 (PARKLET) of Article II (DEFINITIONS) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00006, as amended or added pursuant to Sections 1 through 26 of this ordinance, be, and the same hereby are, reordained or ordained as part of the City of Alexandria Zoning Ordinance.

Section 4. 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.

  
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JUSTIN M. WILSON  
Mayor

ATTEST:  
  
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Gloria A. Sitton, CMC City Clerk

Final Passage: November 13, 2021