

ORDINANCE NO. 5456

AN ORDINANCE to amend and reordain Section 6-805 (STANDARDS FOR OUTDOOR DINING) of Article VI (SPECIAL AND OVERLAY ZONES) of the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2022-00009.

WHEREAS, the City Council finds and determines that:

1. In Text Amendment No. 2022-00009, 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 6, 2022 of a text amendment to the Zoning Ordinance to align minor elements of the King Street outdoor dining overlay zone with the commercial parklet program for outdoor dining in on-street parking spaces, which recommendation was approved by the City Council at public hearing on September 17, 2022;

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 6-805 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:

6-805 - Standards for outdoor dining.

B. The outside dining area shall be located adjacent to the property of an existing and lawfully operating restaurant and shall be under the responsible direction and control of the restaurant. It may be located adjacent to the building or near the curb but shall be contained within the location delineated by the permit. Dining may be set up in front of an adjacent business with approval of that property owner and all tenants of the building.

D. ~~The total number of seats (both indoor and outdoors) shall not exceed the restaurant's previously approved maximum number of seats by more than 20 seats, and the number of seats permitted is dependent on the amount of space available and on building and fire code requirements. Any increase in number of seats for outdoor dining in the public sidewalk approved under this section shall not be deemed by the director to constitute an intensification of use.~~ The number of indoor and outdoor seats must comply with the statewide building code.

F. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:

(3) Outdoor dining areas located near the sidewalk curb must leave at least two feet of unobstructed sidewalk depth between the curb and the outer dimension of the outdoor dining area unless the sidewalk dining directly abuts a commercial parklet.

O. The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:

(3) Permits must be obtained from the department of transportation and environmental services and a board of architectural review certificate of appropriateness in order to penetrate the public sidewalk surface or install an outdoor dining enclosure which penetrates the public sidewalk.

(4) The design of the area shall comply with ~~any board of architectural review approved the city outdoor dining design guidelines. The board's guidelines shall provide reasonably objective guidance as to acceptable colors, materials and related design standards.~~

(5) Storage ~~and removal~~ of outdoor dining furniture and enclosures:

~~(a) Between April 1 and the Sunday before Thanksgiving of the same calendar year, a~~ All outdoor dining furniture and enclosures may be stored ~~on~~ set up in ~~on~~ the public right-of-way daily when the restaurant is open or closed to the public.

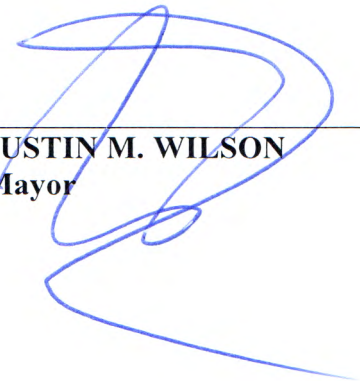
~~(b) Between the Monday before Thanksgiving and March 31 of the following calendar year, all outdoor dining furniture and enclosures must be removed from the public right-of-way daily when the restaurant is closed to the public, in accordance with section 6-805(E).~~

~~(6) Tall tables and tall seating for tables shall not be permitted in the public right-of-way. As used in this section 6-805, a "tall table" is defined as any table with a table top surface higher than 32 inches above the ground, and "tall seating" is defined as chairs, seats, stools, or benches designed or intended for use with tall tables. Storage of outdoor dining furniture and enclosures may not occur in the public right-of-way.~~

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


Section 3. That Section 6-805, as amended pursuant to Section 1 of this ordinance, be, and the same hereby is, reordained 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.




JUSTIN M. WILSON
Mayor

ATTEST:



Gloria A. Sitton, CMC City Clerk

APPROVED AS TO FORM:



Joanna Anderson City Attorney

Final Passage: October 15, 2022