

ORDINANCE NO. _____

AN ORDINANCE to amend and reordain the code of the City of Alexandria, Virginia, 1981, and the City of Alexandria Zoning Ordinance, in accordance with the text amendment heretofore approved by city council as Text Amendment No. 2021-00008.

WHEREAS, the City Council finds and determines that:

1. Due to COVID-19, on March 14, 2020, the City Manager issued a Declaration of Local Emergency applicable throughout the City of Alexandria (“City”), which was consented to by the City Council; and

2. As of the date of the adoption of this ordinance the Declaration of Local Emergency is still in effect and the community continues to face enormous impacts from COVID-19; and

3. Once the Declaration of Local Emergency is lifted the impacts of COVID-19 will persist for some time; and

4. Since the Declaration of Local Emergency the City Council ratified actions taken to assist local businesses and extended the expiration of those deadlines until January 31, 2022, in an acknowledgment of the ongoing impacts from COVID-19; and

5. The City Council finds and determines that the public interest would be served by the establishment of a program that would allow for more adaptable operation of businesses and address public need during the emergency and recovery, the program will enable businesses to operate and customers to support businesses in a safe and efficient manner, promote pedestrian and business friendly vitality, ensure that the public’s use of the public right-of-way will not be significantly impaired, ensure that other uses will be protected from the adverse impacts of the uses, and address public needs that arise related to COVID-19; and

6. In Text Amendment No. 2021-00008, 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 9, 2021 of a text amendment to the City Code and Zoning Ordinance to address the extraordinary circumstances caused by the COVID 19 pandemic on local business, which recommendation was approved by the City Council at public hearing on September 18, 2021;

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

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

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

1 Section 1. The regulations herein are temporary and are being put in place to address
2 the extraordinary circumstances caused by the COVID 19 pandemic on local businesses. The
3 ordinance will expire on April 1, 2022, except for Sections 6(g) and 7 as indicated therein.
4

5 Section 2. *Restaurant Deliveries and Pick-up.* Notwithstanding the requirements of
6 Section 11- 500 of the Zoning Ordinance, restaurants may provide delivery service and pick-up
7 service without amending current special use permits or obtaining new special use permits.
8 Delivery vehicles and customer pick-ups may use on-street parking subject to posted parking
9 requirements.
10

11 Section 3. *Hours of Operation.* Notwithstanding the requirements of Section 11-500
12 of the Zoning Ordinance, the hours-of-operation for restaurants, convenience and grocery stores,
13 catering operations and automobile service stations (gasoline stations) may be modified without
14 amending current special use permits or obtaining new special use permits.
15

16 Section 4. *Sidewalk/Parking Lot Vending.*
17

18 (a) Notwithstanding the requirements of Section 7-1500 of the Zoning Ordinance, restaurants
19 and retail establishments are permitted to vend on adjacent sidewalks or parking lots. Vending is
20 limited to the placement of orders and customer pick-up. To the extent required, establishments
21 must put in place limitations in compliance with the most current health and safety standards.
22

23 (b) A temporary exception to Section 5-2-29 of the City Code is hereby authorized to allow
24 restaurants and retail establishments to vend on adjacent sidewalks pursuant to Section 4(a)
25 above.
26

27 Section 5. *Off Premises Alcohol Sales.* Notwithstanding the requirements of Section
28 11-500 of the Zoning Ordinance, local restrictions on alcohol sales are suspended, including off-
29 premises alcohol sales and delivery restrictions without having the amend a current special use
30 permit or obtain a new special use permit. Businesses remain subject to all VABC licensure
31 requirements.
32

33 Section 6. *Alexandria Outdoor Business Expansion Program.*
34

35 (a) Within the King Street Outdoor Dining (KSOD) area
36 Restaurants within the KSOD may continue to utilize the KSOD program in Section 6-800 of the
37 Zoning Ordinance and comply with the applicable guidelines therein.
38

39 In addition to the program in Section 6-800 of the Zoning Ordinance, restaurants may set up
40 outdoor dining in parking spaces outside of their businesses if:

- 41 • All current health and safety standards are complied with;
- 42 • A current certificate of insurance is submitted to the Department of Planning and Zoning
43 (P&Z);
- 44 • For a restaurant without a current permit for the KSOD program, an application must be
45 submitted to and approved by P&Z;
- 46 • Participants comply with modified guidelines of the Parklet Program, including the

1 location of parking spaces for outdoor dining away from corners or not on streets with a
2 high traffic volume; and

- 3 • The year-round outdoor storage of dining furniture will also be permitted whether the
4 restaurant is open or closed.

5
6 There are no fees for this approval.

7
8 (b) All areas outside the KSOD boundaries

9 Notwithstanding the requirements of Section 11-513 of the Zoning Ordinance, outdoor dining is
10 permitted on restaurant property and in the public right-of-way (sidewalks, parking spaces,
11 parking lots) where it will not detrimentally impact adjacent uses. Use will be allowed upon
12 review and approval by staff from the P&Z, Transportation and Environmental Services (T&ES),
13 Health, Fire and Police departments of an application.

14
15 An application must be submitted to P&Z including:

- 16 • The proposed locations and square footage for outdoor dining
- 17 • number of seats;
- 18 • If the public right of way will be used, a current certificate of insurance must be
19 submitted to P&Z to be eligible;
- 20 • If on private land not controlled by the operator, the operator must indicate permission of
21 the property owner; and
- 22 • An explanation of compliance with specific criteria outlined below.

23
24 Approval Criteria:

- 25 • Restaurants may use parking spaces in front of their business, adhering to the modified
26 guidelines of the Parklet Program, including the location of parking spaces for outdoor
27 dining away from corners or not on streets with a high traffic volume.
- 28 • Restaurant seating must be arranged in accordance with current health and safety
29 standards.
- 30 • Restaurant operators must request that T&ES install traffic safety measures such as wheel
31 stops and flex posts for outdoor dining areas in parking spaces in the public right-of-way.
- 32 • Outdoor dining on sidewalks must allow for at least five feet of continuous pedestrian
33 access.
- 34 • Outdoor dining hours must be the same as approved in the restaurant's special use permit.
- 35 • Live entertainment is not permitted.
- 36 • Liability insurance certificate required for use of public right-of-way.

37
38 There are no fees for this approval.

39
40 (c) A temporary exception to Section 5-2-29 of the City Code is hereby authorized to allow
41 restaurants and retail establishments to have outdoor dining on adjacent sidewalks and public
42 parking spaces pursuant to Section 6(b) above.

43
44 (d) Outdoor dining in off-street parking spaces on private property

45 Notwithstanding the requirements of Section 8-200(A)(17) and 11-513 of the Zoning Ordinance,
46 restaurant operators may use off-street spaces located on the same property for outdoor dining

1 where it will not detrimentally impact adjacent uses. Use will be allowed upon review and
2 approval by staff from the P&Z, T&ES, Health, Fire and Police departments of the letter
3 agreement.
4

5 A letter agreement must be submitted to P&Z with the following information:

- 6 • Proposed locations for outdoor dining,
- 7 • Number of seats,
- 8 • Number of parking spaces used, and
- 9 • Compliance with specific criteria outlined below.

10
11 Approval Criteria:

- 12 • Restaurant seating must be arranged in accordance with current health and safety
13 standards.
- 14 • Outdoor dining hours must be the same as approved in the restaurant's special use permit.
- 15 • Live entertainment is not permitted.

16
17 There are no fees for this approval.
18

19 (e) Retail Uses

20 Notwithstanding the requirements of Sections 5-2-29, 5-8-3(f), and 10-2-24 of the City Code and
21 Sections 7-1500 and 8-200(A)(16) of the Zoning Ordinance, retail businesses may request the
22 use of sidewalks, on-street parking spaces, and privately-owned parking lots and spaces to
23 display their products and conduct sales, where it will not detrimentally impact adjacent uses.
24 Use will be allowed upon review and approval by staff from the P&Z, T&ES, Health, Fire and
25 Police departments of the required information.
26

27 The following must be submitted to P&Z:

- 28 • Proposed locations and square footage for outdoor space;
- 29 • A current certificate of insurance; and
- 30 • A letter of agreement with conditions ensuring compliance with the specific criteria
31 outlined below.

32
33 Approval Criteria:

- 34 • Retail operators may use parking spaces in front of their business, adhering to the
35 modified guidelines of the Parklet Program, including the location of parking spaces for
36 outdoor retail away from corners or not on streets with a high traffic volume.
- 37 • Retail operators must request that T&ES install traffic safety measures such as wheel
38 stops and flex posts for outdoor retail areas in parking spaces in the public right-of-way.
- 39 • Social distancing requirements must be met.
- 40 • Outdoor display on sidewalks must allow for at least five feet of continuous pedestrian
41 access.
- 42 • Live entertainment is not permitted.
- 43 • Liability insurance certificate is required for use of public right-of-way.
- 44 • If on private land not controlled by the operator, the operator must indicate permission of
45 the property owner.

1 There are no fees for this approval.
2

3 (f) Health and fitness uses on sidewalks, in off-street parking spaces on private property and in
4 on-street parking spaces
5 Notwithstanding the requirements of Sections 8-200(A)(16), 8-200(A)(18), and 11-513 of the
6 Zoning Ordinance, health and fitness business operators may request the use of sidewalks,
7 privately-owned parking lots and spaces and on-street parking spaces to offer classes and provide
8 access to fitness equipment, where it will not detrimentally impact adjacent uses. Use will be
9 allowed upon review and approval by staff from the P&Z, T&ES, Health, Fire and Police
10 departments of the required information.
11

12 The following must be submitted to P&Z:

- 13 • Proposed locations and square footage for outdoor space;
- 14 • A current certificate of insurance; and
- 15 • A letter of agreement with conditions ensuring compliance with the specific criteria
16 outlined below.
17

18 Approval Criteria:

- 19 • Health and fitness use operators may use sidewalks and parking spaces in front of their
20 business, adhering to the modified guidelines of the Parklet Program, including the
21 location of parking spaces for fitness uses away from corners or not on streets with a high
22 traffic volume.
- 23 • Business operators must request that T&ES install traffic safety measures such as wheel
24 stops and flex posts for outdoor fitness areas in parking spaces in the public right-of-way.
- 25 • Current health and safety standards must be met.
- 26 • Outdoor activities on sidewalks must allow for at least five feet of continuous pedestrian
27 access.
- 28 • Live entertainment is not permitted.
- 29 • Liability insurance certificate is required for use of public right-of-way.
- 30 • If private land is not controlled by the operator, the operator must indicate permission of
31 the property owner.
32

33 There are no fees for this approval.
34

35 (g) Retractable Awnings in the Old and Historic Alexandria District and in the Parker Gray-
36 Historic District

37 Notwithstanding Section 10-103(A) and 10-203(A), retractable awnings may be administratively
38 approved and are subject to the criteria listed in the Old and Historic Alexandria District and
39 Parker-Gray Historic District Design Guidelines awning chapter. Permits issued pursuant to this
40 section will expire on or before November 1, 2023, unless an extension is approved by the Board
41 of Architectural Review.
42

43 (h) Building Permit Fees

44
45 Notwithstanding Resolution Number 2769, building permit fees are not being charged for
46 proposals associated with the outdoor business operations of restaurants, retail stores and fitness

1 uses. Businesses are eligible with P&Z approval for temporary outdoor business expansions or
2 the KSOD program or City Council approval of a special use permit for outdoor dining.

3
4 (i) Fire Prevention Permit Fees

5 Notwithstanding Ordinance Number 5150, fire prevention permit fees are not being charged for
6 proposals associated with the outdoor business operations of restaurants, retail stores and fitness
7 uses. Businesses are eligible with P&Z approval for temporary outdoor business expansions or
8 the KSOD program or City Council approval of a special use permit for outdoor dining.

9
10 Section 7. *Tolling of Validity Periods for Certain Land Use Permits.*

11
12 Notwithstanding Sections 10-206, 11-418 and 11-506 of the Zoning Ordinance, the validity
13 period for development site plans, special use permits, development special use permits,
14 certificate of appropriateness, and permits to demolish shall be extended for the number of
15 months as follows:

- 16 • For applications approved prior to March 14, 2020: 12 months or the number of months
17 that the City's Declaration of Local Emergency is in place, whichever is longer
- 18 • For applications approved March 14, 2020 or after: the number of months beginning on
19 the approval date through the expiration of the City's Declaration of Local Emergency.

20
21 Section 8. *Transportation Management Plan (TMP) Survey.* The annual survey
22 required by Section 11-707(B) will not be required until the termination of this temporary
23 ordinance.

24
25 Section 9. *Designation of Parking Spaces for curbside pick up.* Notwithstanding
26 Section 5-8-3(f) of the City Code, the City staff will continue to designate public parking spaces
27 as curbside pick- up areas. Spaces will be chosen based on proximity to restaurants and retail
28 uses and will minimize impacts on surrounding properties.

29
30 Section 10. *Closure of 100 block of King Street.* Notwithstanding Section 5-8-3(f),
31 the closure of the 100 block of King Street to vehicular traffic will continue.

32
33 Section 11. *City Emergency Use.* Notwithstanding the definition of public building in
34 Section 1-125 of the Zoning Ordinance, any special use permit issued for the use of a city
35 building, park or facility, or any Zoning Ordinance section or current special use permit that
36 limits uses on private property, the City is authorized to use its facilities and those it obtains
37 permission from private property owners to utilize to address public needs in response to the
38 COVID-19 emergency. Such uses will be deemed permitted uses in that zone related to the
39 public use. Locations will be chosen to minimize impacts on surrounding properties.

40
41 Section 12. That the director of planning and zoning be, and hereby is, directed to
42 record the foregoing text amendment.

43
44 Section 13. That this ordinance shall become effective on the date and at the time of
45 its final passage. This ordinance shall expire as set forth in Section 1.

JUSTIN WILSON
Mayor

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4 Introduction: 10/12/21
5 First Reading: 10/12/21
6 Publication:
7 Public Hearing: 10/16/21
8 Second Reading: 10/16/21
9 Final Passage: 10/16/21