

ORDINANCE NO. 4521

AN ORDINANCE to amend and reordain Section 6-800 (KING STREET OUTDOOR DINING OVERLAY ZONE), 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. 2007-0006.

THE CITY COUNCIL OF ALEXANDRIA HEREBY ORDAINS:

Section 1. That Section 6-800 of the City of Alexandria Zoning ordinance, be, and the same hereby is, amended to read as follows:

Sec. 6-800 King Street Outdoor Dining Overlay Zone

6-801 *Purpose.* The King Street Outdoor Dining Overlay Zone is intended to facilitate outdoor dining in Old Town in order to create an active street scape, enhance the economic and social vitality of King Street, and promote pedestrian and retail friendly activity; to allow for the use of the public right of way for such outdoor dining; and to expedite the approval of such facilities while ensuring that the public's use of the sidewalks will not be significantly impaired by such dining, and that adjacent commercial and residential uses will be protected from any adverse impacts from such dining.

6-802 *Application of overlay zone.* The King Street Outdoor Dining Overlay Zone includes the King Street corridor, from the Potomac River to the intersection of King Street and Daingerfield Road, and along all streets intersecting therewith, north to Cameron Street and south to Prince Street, as shown on the map entitled, "King Street Outdoor Dining Overlay Zone," dated June 21, 2005.

6-803 *Administrative permit availability.* The requirements of obtaining approval of a special use permit under section 11-500 of this ordinance and of obtaining approval of an individual encroachment ordinance under section 5-2-29 of the city code otherwise applicable, shall not apply to outdoor dining facilities that meet the requirements of this section 6-800 and for which an administrative permit is approved pursuant to this section.

6-804 *Administrative permit process.*

- A. An applicant for an outdoor dining permit 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 area which accurately depicts the existing sidewalk conditions, including sidewalk width from

building face to curb; location and dimensions of tree wells; locations of lamp posts, traffic and parking signs, signal poles, trash receptacles, benches, and other sidewalk features or obstructions, as well as design, location, size and space of the dining area, chairs, tables, barriers, umbrellas and other facilities to be located within the outdoor dining area, and such additional information as the director may reasonably require.

- C. The director shall review the application to determine if the proposed dining establishment, and any encroachment into the public right of way, will be reasonable, attractive, and promote pedestrian and retail friendly vitality in the King Street corridor, and that there is adequate space remaining within the public right of way to facilitate safe circulation of pedestrian traffic.
- D. The director may approve, approve with conditions, or deny the application. The approved plan and permit shall be posted at the restaurant premises, and visible to customers and the public.
- E. No material change to the approved plan shall be made without prior written approval by the director.
- F. The outdoor dining permit shall be valid only between April 1 and March 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.

6-805 *Standards for outdoor dining.*

- A. The outside dining area is to be attractive, and promote pedestrian and retail friendly vitality in the King Street corridor.
- 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.
- C. If the outdoor dining area is in a location on the property that is not in the sidewalk area in front or on the side of the restaurant, it shall be reviewed to determine whether its location supports the purpose of the zone to create an active street scape and to protect residential areas from adverse impacts.

- 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.
- E. The outdoor dining area may be open to patrons from 6:00 a.m. to 11:00 p.m. daily.
- F. In order to allow adequate pedestrian traffic areas and emergency access around outdoor dining areas, the following dimensional requirements must be observed:
- (1) At least five feet, or such additional space as the director deems necessary, of unobstructed corridor space must be maintained past the outside dining area for sidewalk pedestrian traffic in order to ensure a clear pedestrian passageway along the sidewalk. In locations where the sidewalk provides additional width or where there are fewer obstructions, the director may require more than five feet. In order to achieve a continuous pedestrian walk way, the pedestrian passageway shall be a straight line, parallel to the building face and curb line, for the entire length of the dining area. The director may require additional measures that contribute to maintaining a straight and unobstructed pedestrian passageway along the entire block face.
 - (2) A space at least 44 inches wide for unobstructed ingress/egress must be maintained between any restaurant doorway and the pedestrian traffic corridor.
 - (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.
 - (4) An unobstructed clearance of five feet must be maintained between a fire hydrant and any furniture or fixtures related to outdoor dining.
- G. The outside dining area must be kept sanitary, neat and clean at all times. It shall be free from accumulation of food, litter, snow, ice, and other potentially dangerous or unsanitary matter. The restaurant must participate in an approved rodent control program.

- H. No food preparation is permitted in the outside dining area.
- I. Tents or awnings are not permitted without obtaining a separate building permit. Table umbrellas are permitted if they do not have signs or advertisements on them, if the umbrellas are completely contained within the outdoor dining area, even when fully extended, and if the lowest dimension of the umbrella maintains a minimum vertical clearance of six feet, eight inches above the sidewalk to allow for patron and server circulation.
- J. No signs are permitted in the outside dining area except those signs that have a valid City permit.
- K. Loudspeakers outside are prohibited, and amplified sounds from inside the restaurant must not be audible in any outside dining area on the public right of way.
- L. Any door leading into a restaurant may not be positioned to remain open or otherwise supported in an open position.
- M. The restaurant must comply with all applicable city, state and federal laws and regulations.
- N. In order to serve alcoholic beverages, an application must be approved by the Virginia Department of Alcoholic Beverage Control (ABC), and it will require the following:
 - (1) The dining area must have a sturdy enclosure.
 - (2) There must be only one well defined entrance to the outdoor dining area and it must be located directly in front of the egress doors.
 - (3) Customers are not permitted to carry their own alcohol to the outdoor dining area.
 - (4) The dining area must have adequate illumination during evening hours.
- O. The design of the outdoor dining facilities which are visible from the public street or way, shall comply with the following:
 - (1) All improvements (furniture and fixtures) used in an outdoor dining area on the public right of way must be readily removable without damage to the surface of the right of way.

- (2) An outdoor dining area within the public right of way shall be contained by sturdy barriers in conformity with city standards.
 - (3) There shall be no penetration of the public sidewalk surfaces, except that the city will, following issuance of the permit, mark the corners of the approved outdoor dining area with conspicuous markers.
 - (4) The design of the area shall comply with any Board of Architectural Review approved design guidelines. The Board's guidelines shall provide reasonably objective guidance as to acceptable colors.
 - (5) Furniture and enclosures may not be stored on the public right of way for extended periods, and must be removed from the right-of-way daily when the restaurant is closed to the public, in accordance with Section 6-805(E), between the Monday before Thanksgiving and March 31 of the following calendar year.
 - (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
- P. The director shall, on a case-by-case basis, require adjustments to the layout, dimensions, or distance from the property line of any outdoor dining area in order to ensure pedestrian visibility of the ground floor of buildings that adjoin those with outdoor dining areas.
 - Q. The applicant shall comply with such additional reasonable terms as the director may include in the permit.
 - R. The restaurant operator shall not permit smoking in outdoor dining areas located in the public right-of-way.

6-806 *Additional encroachment requirements.* An outdoor dining area located within the public right of way shall also comply with the following specific requirements for encroachments:

- A. Any such encroachment shall be subject to and conditioned upon the restaurant maintaining liability insurance, with commercially reasonable limits and coverages, including for its operation within the encroachment area, and permission to establish and maintain the encroachment shall not be construed to relieve the restaurant of liability for any negligence on the restaurant's part on account of or in connection with the encroachment.

- B. By accepting the authorization granted by a permit authorized by this ordinance to establish and maintain the encroachment and by so establishing and/or maintaining the encroachment, the restaurant shall be deemed to have promised and agreed to save harmless the City of Alexandria from any and all liability (including attorneys' fees and litigation expenses) arising by reason of the establishment, construction, placement, existence, use or maintenance of the encroachment.
- C. The authorization granted by a permit approved under this 6-800 to establish and maintain the encroachment is not intended to constitute, and shall not be deemed to be, a waiver of sovereign immunity by or on behalf of the City of Alexandria or any of its officers or employees.
- D. Neither the City of Alexandria nor any public utility company shall be responsible for damage to property encroaching into the public right of way during repair, maintenance or replacement of the public right of way or any public facilities or utilities in the area of encroachment.
- E. The authorization granted by a permit approved under this section to establish and maintain the encroachment shall be terminated whenever the City of Alexandria desires to use the affected public right of way for any purpose whatsoever and, by written notification, demands from the restaurant the removal of the encroachment. Said removal shall be completed by the date specified in the notice and shall be accomplished by the restaurant without cost to the City. If the restaurant shall fail or neglect to remove the encroachment within the time specified, the city shall have the right to remove the encroachment, at the expense of the restaurant, and shall not be liable to the restaurant for any loss or damage to the structure of the encroachment or personal property within the encroachment area, caused by the removal.
- F. No fees or charges imposed pursuant to sections 3-2-81 through 3-2-85 of the city code shall be applicable to encroachments authorized by this section 6-800, but the fee established pursuant to section 6-804(F) shall be applicable.

6-807 *Section controlling.* In order to establish a uniform set of regulations for outdoor dining in the public right-of-way, the provisions of this section 6-800 shall supercede and preempt conflicting provisions applicable in the public right-of-way, which are included in any encroachment ordinance, special use permit or administrative permit approved prior to June 26, 2007; provided, however, that nothing in this section 6-807 shall be deemed to reduce the approved number of seats, or to require the removal of any approved barrier permanently fixed or attached to the right-of-way, authorized by any such ordinance or permit.

Section 2. That Section 6-800 as amended by this ordinance be, and the same hereby is, reordained as part of the City of Alexandria Zoning Ordinance.

Section 3. That Ordinance No. 4494 be, and the same hereby is, repealed.

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 are on such date pending before any city department, agency or board, or before city council, shall apply to all such applications 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.

WILLIAM D. EUILLE
Mayor

Final Passage: March 15, 2008

City of Richmond • Department of Planning & Development Review

Sidewalk Café Design Guidelines

November 2012



Storefront for Community Design

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Authority

These Sidewalk Café Design Guidelines are promulgated in accordance with Chapter 90, Article II, Division 10 of the City of Richmond Code of Ordinances. The design guidelines were adopted by resolution of the City Planning Commission on November 19, 2012, and may be amended from time to time by Commission resolution.

Definition

Sidewalk café means any group of tables, chairs or other seating fixtures and all related appurtenances maintained within the public sidewalk and intended for the purpose of consumption of food or beverage by patrons, when such is located adjacent to a food or beverage service establishment having the same operator. A sidewalk café shall not be considered an “encroachment” as defined in Article I of Chapter 90 of the City of Richmond Code of Ordinance so long as all outdoor facilities related thereto are temporary in nature, are not permanently affixed so as to extend below, on or above the sidewalk, involve no penetration of the sidewalk surface, are not attached to any building and are readily removable without damage to the surface of the sidewalk.

More Information

For more information, visit <http://www.richmondgov.com/PlanningAndDevelopmentReview/SidewalkCafe.aspx>. At this website, applicants can access the Sidewalk Café Guidelines Ordinance, Sidewalk Cafés Design Guidelines and sidewalk café worksheets and application materials. Applicants may also contact the City of Richmond Department of Planning & Development Review by calling (804) 646-4169, or via email at sidewalkcafe@richmondgov.com.

Purpose

Sidewalk cafés contribute to a vibrant urban culture and make Richmond streets more dynamic places to walk, socialize and dine. Sidewalk cafés are temporary dining areas that occupy part of the public right-of-way during eating establishment hours. This document is a guide to creating temporary sidewalk cafés that are safe and attractive to restaurant patrons and pedestrians.

The Sidewalk Café Design Guidelines provide acceptable dimensions for café access and for public right-of-ways, sidewalk café barriers, and the layout of outdoor service areas. The City of Richmond encourages the use of durable and high-quality outdoor furnishings and materials to increase the safety and comfort of residents and visitors of sidewalk cafés. The diagrams in this document illustrate examples of sidewalk café design and photographs show acceptable and unacceptable sidewalk café furnishings.

Sidewalk cafés enhance the public realm and motivate city and regional residents to patronize Richmond's eating establishments. Restaurant and café owners who offer sidewalk cafés shall comply by these guidelines, which are applicable in all city zoning districts where outdoor dining is a permitted use.

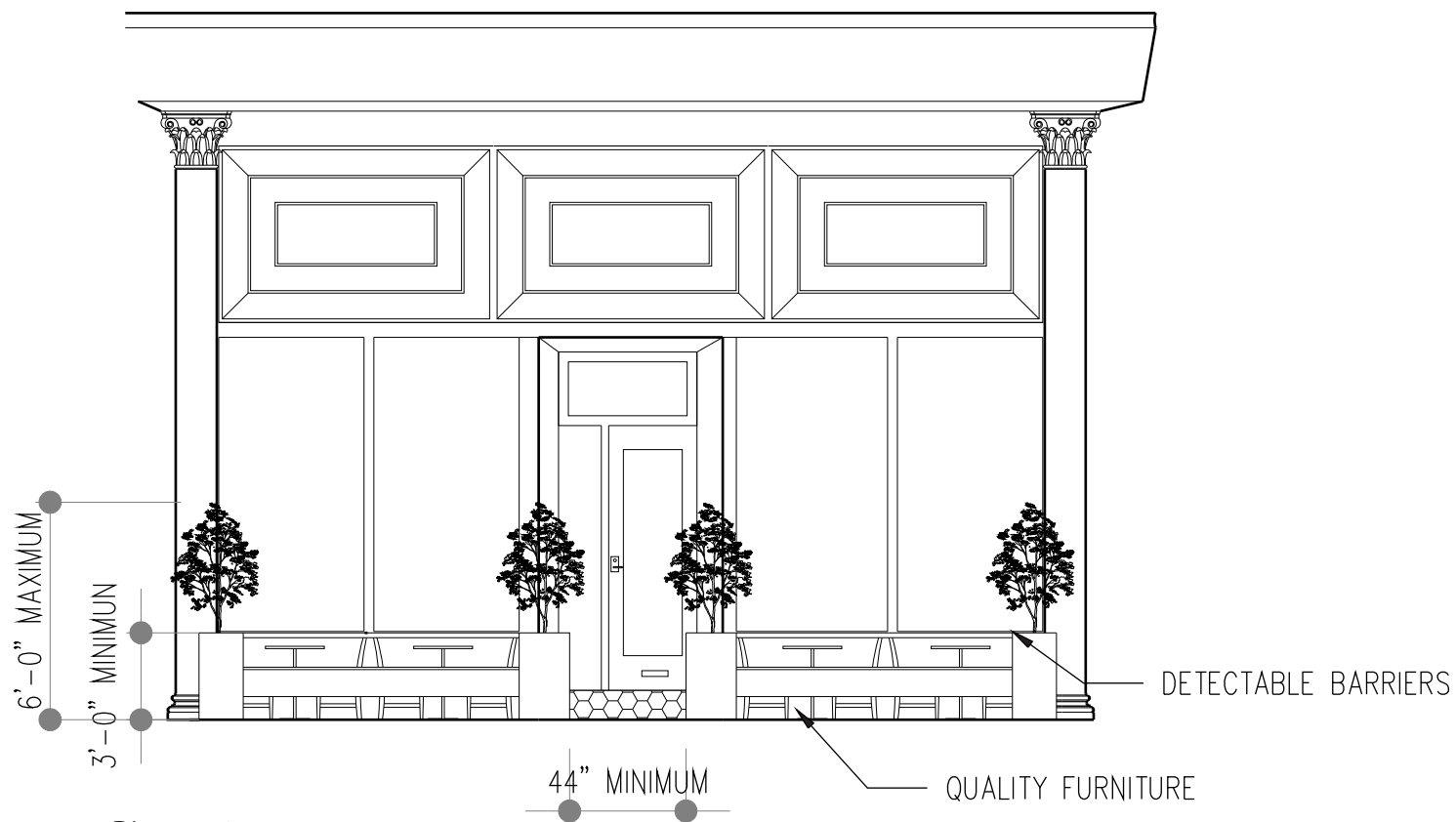


Image 1

Sidewalk cafés enhance the urban environment.

Sidewalk Café Elements

Elements of a typical sidewalk café include: barriers, planters, tables, chairs, umbrellas, menu display, heat lamps, and access point. If wait service is not provided in the sidewalk café area, the eating establishment is required to supply a waste receptacle. If wait service is provided, the restaurant operator is not permitted to place a waste receptacle in the sidewalk café.



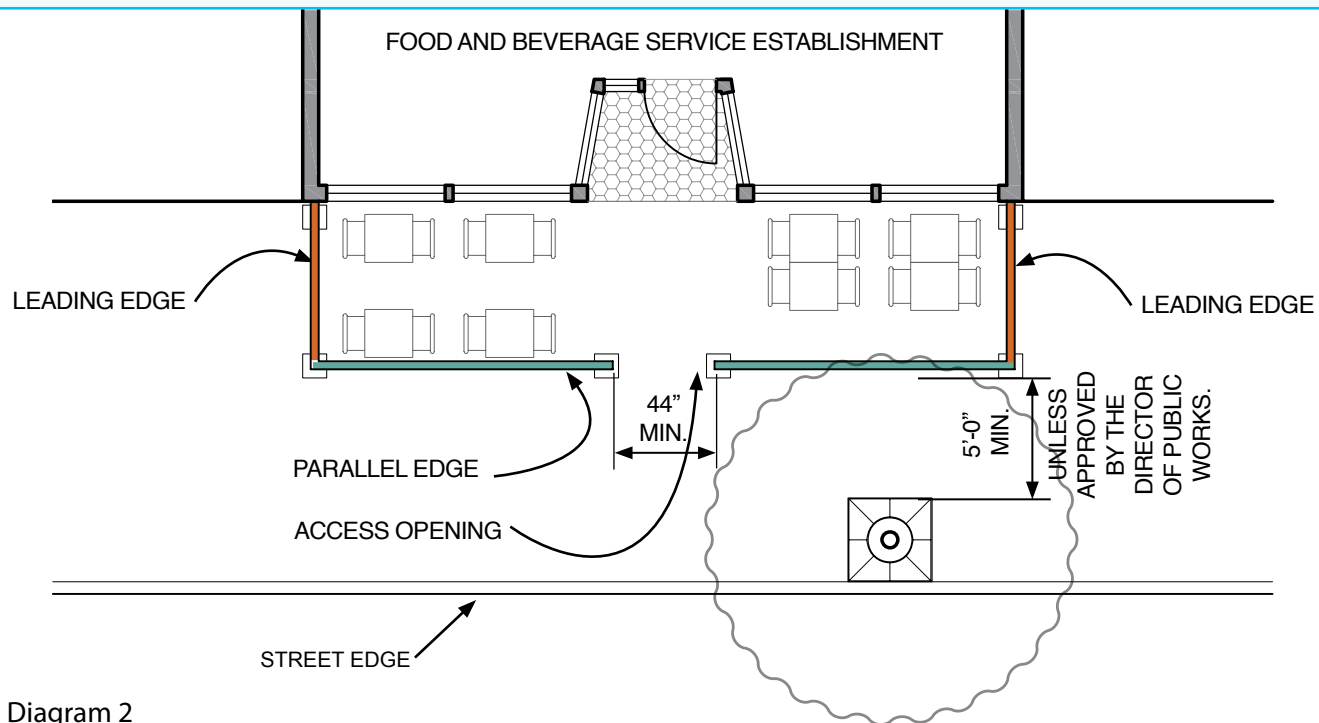
Chapter 1 Barriers

1.1 Barriers Required

The perimeter of sidewalk cafés that extend more than 3 feet into the public right-of-way shall be enclosed by barriers that are durable, removable and maintained in good condition.

1.2 Sidewalk Cafés Serving Alcohol

Sidewalk cafés that serve alcohol must be surrounded by a barrier in all cases. Barrier access point must be controlled by the restaurant establishment. Restaurant and eating establishment owners should maintain compliance with Virginia Alcohol and Beverage Control standards for serving alcohol outside of enclosed businesses.



1.3 Barriers are Not Required:

Sidewalk cafés that extend 3 feet or less into the public right-of-way and do not serve alcohol are not required to be enclosed by a barrier.

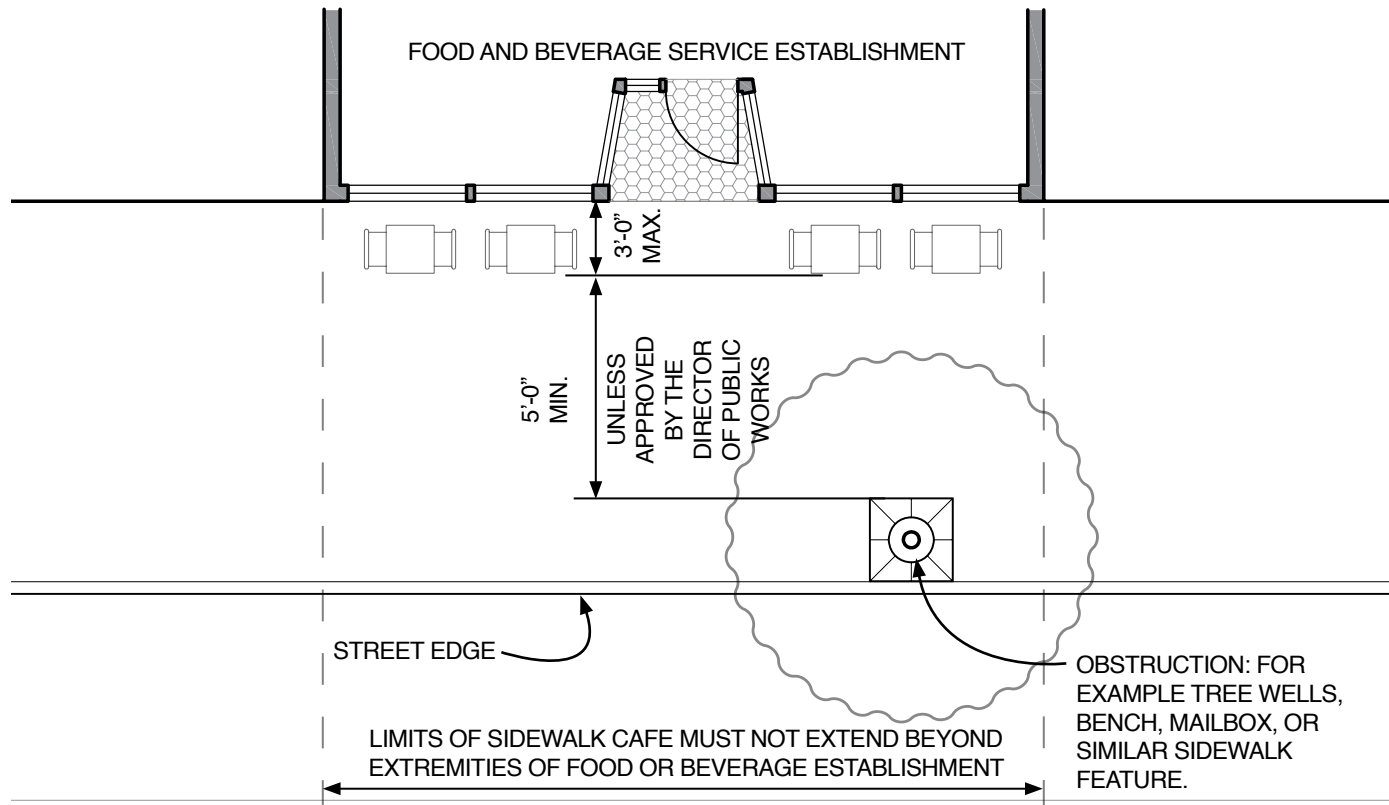


Diagram 3

Plan view of a sidewalk café that extend 3 feet or less into the sidewalk where *alcohol is not served*.

1.4 Barrier Design

Various styles of barriers are acceptable for sidewalk cafés. Generally barriers should be 36 inches in height, and must be free-standing, stable, and removable. Barrier segment bases should be flat with tapered edges that are between 1/4 to 1/2 inch thick.

Types of barriers:

1. **Sectional Fencing:** Rigid fence segments may be placed end-to-end to create the appearance of a single fence. Footing shall be flat. Sectional fencing shall be composed of metal or wood and painted or finished in the owner's choice of color, subject to the approval of the Department of Planning & Development Review. Sectional fencing may be composed of aircraft cable, fabric, steel or iron elements.
2. **Planters:** Outdoor planters may be used as a barrier component and should be placed at the corners and entry of the sidewalk Café. Planters must be no more than 3 feet in height, shall be kept in clean condition, and shall be removed at the end of each business day.



Image 2

Sectional fence with flat footing.



Image 3

Planters used as café barrier elements.

1.4 Barrier Design, continued



Image 4-6

Examples of acceptable sectional barrier materials (from left to right, cable, wooden lattice and fabric barriers).



Image 7-9

Examples of planters used as barrier elements. From left to right: movable pots, planter boxes and flower boxes are acceptable barrier elements.

1.4 Barrier Design, continued

Barrier qualities

1. Free-standing: Barriers must not be permanently attached to any structure or sidewalk.
2. Stable: A barrier must be well-balanced and difficult for pedestrians to topple, trip over or remove.

Prohibited barrier materials

1. Chain link
2. Rope rails
3. Chain rails
4. Other materials. The use of materials for barriers that is not specifically designed as fencing, such as buckets, flag poles, newspaper stands and waste receptacles is prohibited.



Image 10-12

Examples of barriers and barrier elements that are not acceptable for sidewalk cafés. From left to right: unstable sectional fencing, rounded barrier bases, and waste receptacles are unacceptable barrier elements.

1.5 Barrier Measurements

The following barrier measurements should be utilized in order to guide pedestrian traffic and establish the separation of sidewalk cafés from the street:

Height

Sidewalk café stanchions, posts and sectional fences shall not be less than 36 inches in height.

Open Appearance

Sidewalk café fences shall allow patrons and pedestrians to see from the Café to the street and vice versa.

Maximum Distance from Ground

The lowest point in the barrier should be no more than 6 inches in height. This is to ensure that visually-impaired pedestrians who use canes will note the barrier.



→ The barrier is 36 inches high.

→ The lowest point in the barrier may be no more than 6 inches in height.

Image 13

A sidewalk café should allow patrons and pedestrians to see from the café to the street and vice versa.

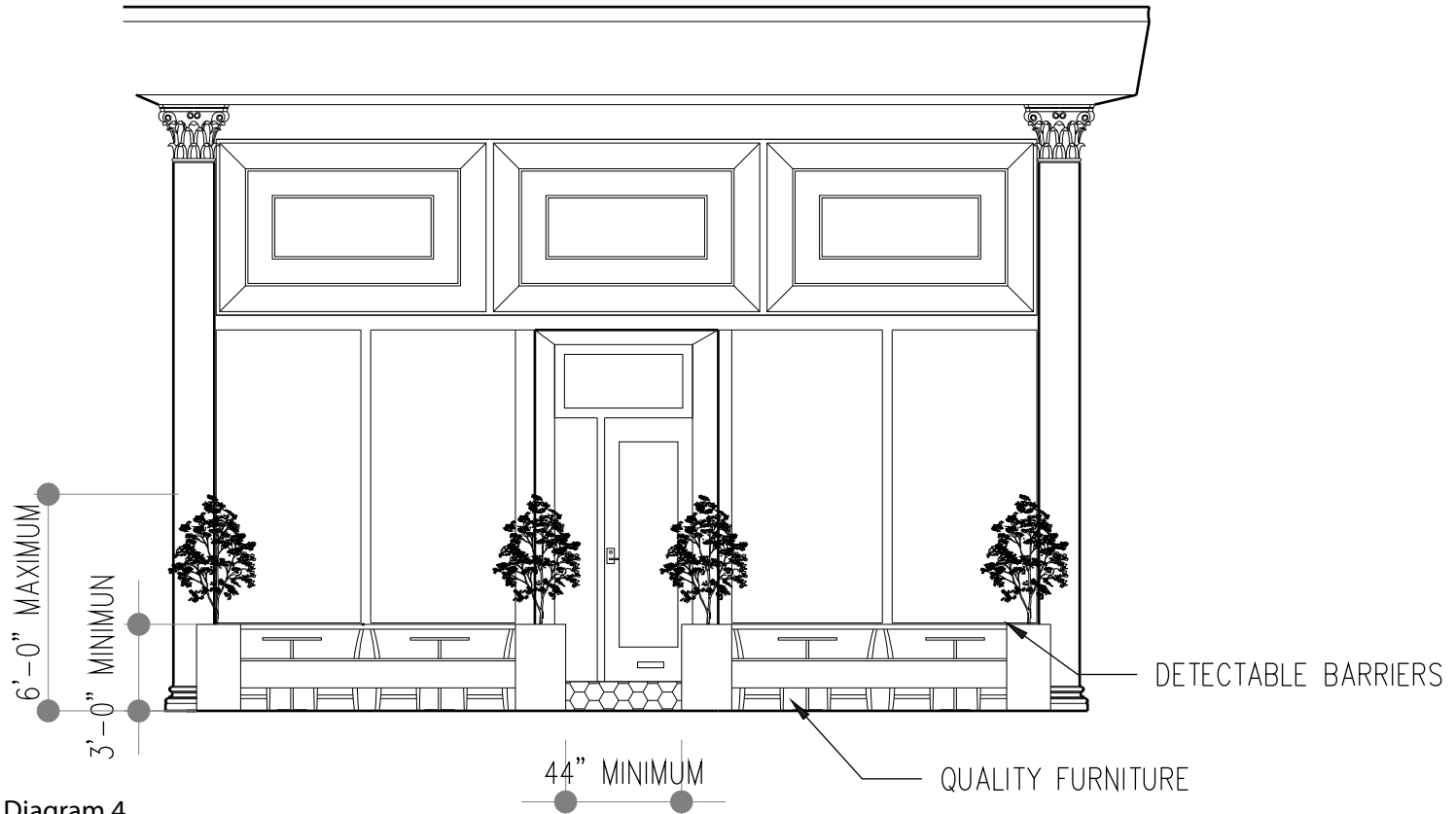
1.6 Access Openings

Location

The access opening should be located along the front or parallel edge of the sidewalk café barrier. The access opening must be kept clear of other materials.

Minimum Access Width

All access openings should measure no less than 44 inches in width.



1.7 Planters & Planter Boxes

Planters or planter boxes are appealing barrier elements in sidewalk cafés. Planters must be removable and stored after the close of business. Planters may be used in sidewalk cafés that do not have barriers to separate them from the public right-of-way, in cases where outdoor eating areas do not extend 3 feet or more into the sidewalk, and where no alcohol is served.

Maximum Height

Planters may be no more than 3 feet in height; planted materials may be up to 6 feet tall. Planter boxes may be installed on 36 inch high barriers.

Planted Materials

Planters and the plants they contain should be well-maintained and kept free of litter and debris. Planters shall contain living plants.



Image 14

Planters should be no more than 3 feet in height.



Image 15

Planter boxes must contain living plants.

Chapter 2 Furniture & Fixtures

Quality, Context & Variety

Sidewalk cafés bring pedestrians, economic investment, and liveliness to the street and visually enhance the urban environment. It is important for sidewalk cafés to utilize quality furniture and fixtures that contribute to the safety and attractiveness of the public realm. Furniture and fixtures must be durable and of sturdy construction; able to withstand severe weather without blowing over.

Sidewalk cafés influence the character of urban areas, and restaurant owners should be mindful of their surroundings when planning cafés. While a variety of tables, chairs and umbrellas are acceptable, operators are advised to consider the context of the neighborhood and nearby buildings when making decisions concerning furniture and fixtures. A range of furniture styles, colors and materials are permitted, however furniture and fixtures must be clean and free of fading, corrosion, splinters, dents, tears, and chipped paint. The following chapter is a guide to appropriate sidewalk café furniture and fixtures.



Image 16

Features such as decorative plants, attractive barriers, and quality furniture contribute to a dynamic urban aesthetic.

2.1 Discouraged Types of Furniture

Prohibited Furniture

Sidewalk cafés are impermanent eating areas, and furniture that is permanently affixed to the sidewalk or exterior of a restaurant or café is prohibited. Tables, chairs, umbrellas, heat lamps, menu displays and barrier elements are the only acceptable outdoor furniture items. Waste receptacles are required only in sidewalk cafés that do not provide wait service; otherwise, waste receptacles are not permitted.

Prohibited Café Elements

Shelves, serving stations, loud speakers, sofas, and televisions. Refer to Chapter 90, Article II, Division 10 of the City of Richmond Code of Ordinances, and see Section 90-280, Part C for a complete list of prohibited sidewalk café elements.

Freestanding

Neither furniture nor other sidewalk café elements may be tied or otherwise secured to trees, lamp posts, street signs, hydrants at any time.



Images 17-19

Images of prohibited materials in sidewalk cafés: from left to right, flimsy plastic tables and chairs, unfinished wooden materials, and sofas are prohibited furniture types.

2.2 Tables

Tables must be functional and well-maintained. Tables may be any shape, but may not be over 36 inches in height. Table and chair colors are subject to Department of Planning & Development Review approval.

Smaller tables are encouraged, as they provide more layout flexibility. Square or rectangular tables can be combined to create a larger table if necessary. Table edges and corners should be rounded and safe for passing pedestrians.

Encouraged table materials: metals, finish grade woods, sturdy recycled materials

Discouraged table materials: breakable plastics, unfinished lumber



Images 20-22

Examples of acceptable sidewalk café tables, which may be a variety of shapes, materials and colors.

2.3 Chairs

Durability

Chairs should be able to withstand weather factors such as sun and wind and remain in good condition. Chairs should be of sturdy construction. Chairs should not show evidence of deterioration or damage to structure or finishes.

Fabrication

Chairs may be fabricated of metal, finish grade wood, or composite material. Chairs may incorporate fabric elements or may be upholstered, but must be maintained in clean condition. For upholstered chairs, water resistant textiles are strongly encouraged.

Color

The color of chairs is the owner's choice, and subject to the approval of the Department of Planning & Development Review. Chairs may be painted, stained or unpainted in color, but must have surfaces that are properly finished such that there is no rust, splintering or other deterioration.



Images 23-27

Images of acceptable sidewalk café chairs.

2.4 Umbrellas

Functional and aesthetically pleasing, umbrellas provide shade and enclosure for patrons of sidewalk cafés. Umbrellas must be contained within the defined sidewalk café area. Square or rectangular market-style umbrellas are recommended for sidewalk cafés for space-efficient design.

Height

When open, umbrella canopies should be between 7 and 10 feet tall.

Materials & Design

Umbrellas should be suitable for outdoor patio use. Canvas is preferred. Umbrella colors are the owner's choice and should be compatible with the sidewalk café furniture. No lettering is permitted on sidewalk café umbrellas.

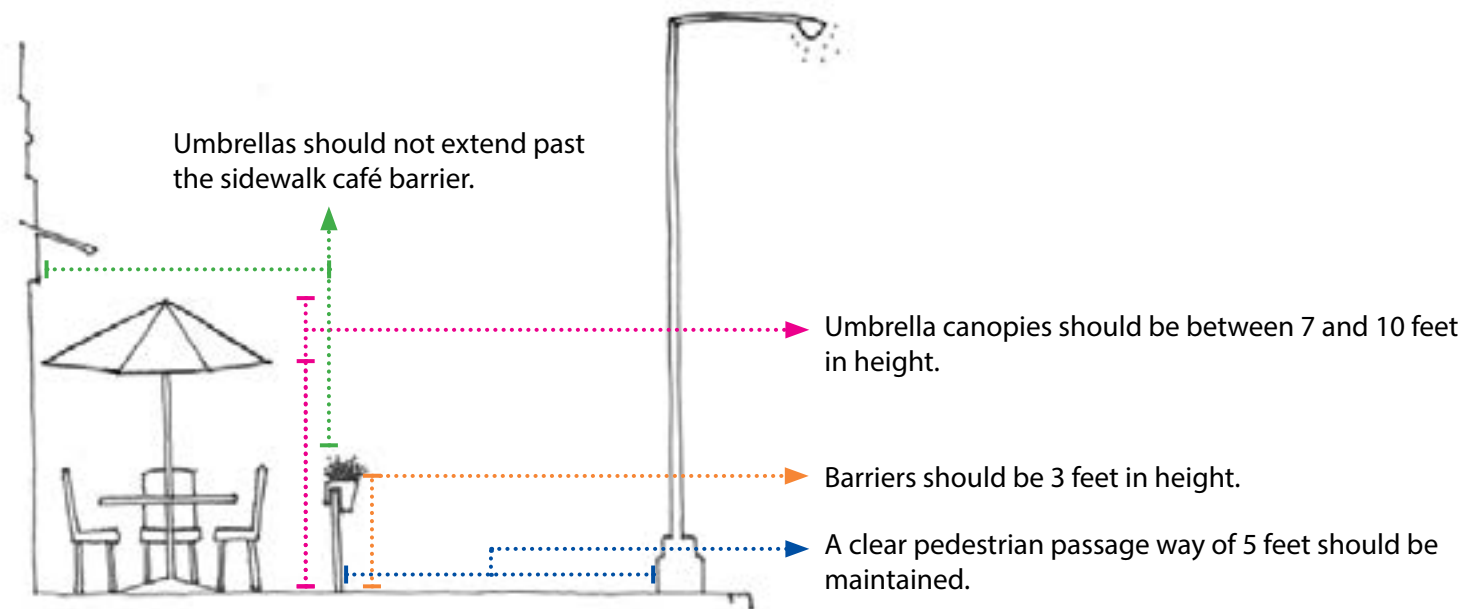


Image 28

Sidewalk café section. Drawing is not to scale.

2.5 Sidewalk Coverings

No alterations or coverings should be made to sidewalks or placed over the sidewalk café space. Platforms, artificial turf, paint, or carpet in sidewalk café areas are prohibited.

2.6 Signage & Displays

All signage and printed materials that are displayed must be within the sidewalk café area enclosure.



Image 29

Astroturf or any other sidewalk covering or treatment is prohibited in sidewalk café areas.



Images 30-31

Free standing menu displays are acceptable sidewalk café signage.

2.7 Circulation Room

Outside Sidewalk Café

Sidewalk cafés must allow for a minimum of 5 feet of unobstructed pedestrian passage way on the sidewalk. The pedestrian passage way allowance may vary to a greater or lesser degree based on a determination of the Department of Public Works. No element of the sidewalk café, including umbrellas, plants, barriers or signage elements, may obstruct the pedestrian passage way. Light poles, tree wells, fire hydrants, and other items may not fall within the pedestrian path allowed between the curb and the leading edge of the sidewalk café.

Inside Sidewalk Café

If sidewalk café barriers are utilized at dining area perimeters, a minimum of 3 feet should be allowed for patrons and waitstaff circulation inside the dining area. Waitstaff shall not serve patrons from outside of the café barrier.



Image 32

Eating establishment operators should ensure that 5 feet of pedestrian passage way is unobstructed from the edge of the café to permanent objects on the sidewalk or the back of the curb.

2.8 Setback from other Businesses & Residential Zones

Restaurant and café owners and managers should ensure that sidewalk cafés do not unreasonably obstruct the visibility of neighboring businesses. In such cases a sidewalk café operator will be required to adjust the layout of the outdoor dining area.

Sidewalk cafés must be a minimum of 100 feet of and fronting along the same street as property in a residential zoning district.

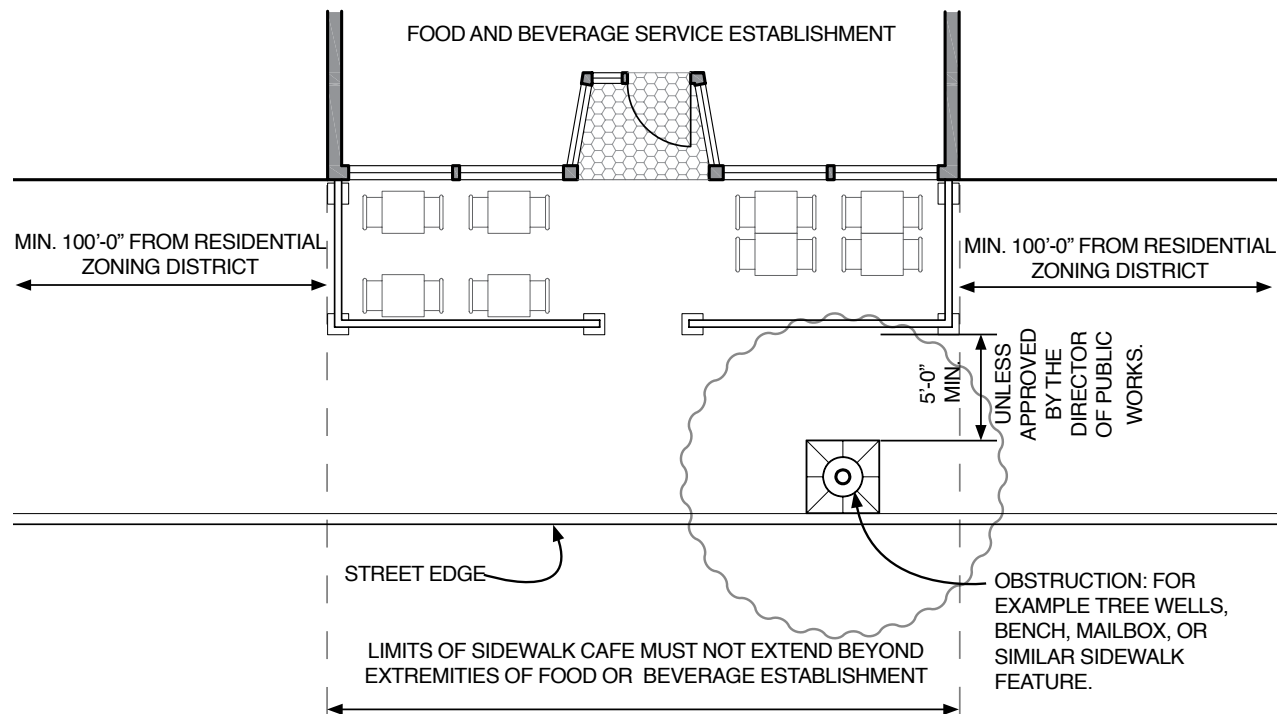


Diagram 5

Plan view of a sidewalk café in relation to the pedestrian passage way and adjacent businesses and residential zones.