



TOWN OF VIENNA TOWN COUNCIL

November 15, 2021

Background – Outdoor Dining

- Normal process for outdoor dining
 - Conditional use permit for most restaurants (exceptions for MAC and some Church Street Vision projects)
 - Application submitted for staff review
 - Application review by Planning Commission, which makes recommendation to Board of Zoning Appeals
 - Board of Zoning Appeals makes final decision
 - Process takes about 3 months from submission of completed application to potential approval
 - Fee of \$1,500 associated with a CUP

Background

- ❑ June 1, 2020, Town Council approved emergency ordinance related to pandemic to allow a waiver of some existing zoning regulations for outdoor commercial activity, including outdoor dining
 - Extended multiple times and set to expire on December 7, 2021
 - Cannot be extended past December 31, 2021

- ❑ 22 restaurants received approval for outdoor dining through this emergency ordinance

Proposed Ordinance

- Allow permanent outdoor dining through a more streamlined process, with several conditions
- Allow use of off-street parking for outdoor dining on an annual basis
- Planning Commission recommended approval of text amendments at November 3, 2021 public hearing

Proposed Ordinance – Sec. 18-72

2. In any restaurant:

a. ~~Meals may be served for consumption~~ Outdoor dining, which shall not be included for the calculation of required off-street parking spaces, may be allowed on a roof garden of such building or at ground level ~~sidewalk tables directly adjoining~~ outside such building, subject to all applicable federal, state, and local regulations, as well as the following ~~the provisions of article 21 of this chapter; and~~

1. Permanent outdoor dining located on roof garden or hard-surfaced area outside building, not to include off-street parking spaces

- a. Outdoor dining may only be allowed with issuance of a permit after plans showing proposed dining are submitted to the Zoning Administrator for review.
 - i. To-scale plans shall show location of any outdoor dining furniture or structures.
 - ii. All structures, features, furnishings and exterior modifications shall be subject to review by the Board of Architectural Review. Permanent changes may also be subject to Site Plan Control Provisions under Article 25.
- b. Outdoor dining furniture and equipment cannot block pedestrian access or interfere with ADA accessible routes to and from buildings and public facilities.
- c. Outdoor dining furniture and equipment cannot block fire entry or exits points, fire department connections (FDC), or any other required safety exits.

Proposed Ordinance – Sec. 18-72

2. Annual outdoor dining located on off-street parking spaces
 - a. Parking spaces located within close proximity to a restaurant(s) may be used for outdoor dining after issuance of a permit, which is to be reviewed and issued annually by the Zoning Administrator. Such use of parking spaces are subject to the following conditions
 - i. No more than 20% of the required off-street parking spaces for a restaurant may be utilized for outdoor dining. If there are excess parking spaces above the minimum number of off-street parking spaces required per Article 16, then those spaces may also be utilized for outdoor dining.
 - ii. Outdoor dining cannot be located in or block any designated fire lanes.
 - iii. Outdoor dining cannot block pedestrian access or interfere with ADA accessible routes to and from buildings and public facilities. Additionally, no ADA accessible parking spaces may be used for outdoor dining.
 - iv. Outdoor dining cannot interfere with the use of a refuse storage area or the use of a loading space.
 - v. Only non-permanent structures, such as tents, are allowed to take up said parking spaces and parking spaces must be able to be easily converted back to be used for parking.
 - vi. Outdoor dining area must be clearly delineated by cordon, marking, or other means and must be protected from vehicular traffic to the extent possible with rigid barriers.
 - vii. All structures, features and furnishings are subject to review by the Board of Architectural Review.
 - b. Additional parking spaces may be allocated for restaurants located within buildings developed under Sections 18-87.4 and 18-87.5 after review and approval by the Town Council. Renewal of the permit can be approved by the Zoning Administrator if the outdoor dining configuration does not change from the Town Council approved plans.

Proposed Ordinance – Sec. 18-210

A use permit is required for any of the following uses (see regulations for zone in which the use is proposed to be located):

~~I. Consumption of meals on a roof garden of an enclosed building in which a restaurant is located, or at sidewalk tables directly adjoining such building.~~