



Legislation Details (With Text)

**File #:** 21-2068      **Version:** 1      **Name:**  
**Type:** Action Item      **Status:** Agenda Ready  
**File created:** 2/10/2021      **In control:** Town Council Meeting  
**On agenda:** 3/1/2021      **Final action:**  
**Title:** Extension and re-adoption of emergency ordinance to waive zoning regulations to permit temporary outdoor activity through September 1, 2021

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1. ReAdoption of Emergency Ordinance on Temporary Waiver of Zoning Restrictions Extension 3-1-21, 2. 2. Emergency Ordinance Regulatory Requirements

Date	Ver.	Action By	Action	Result
3/1/2021	1	Town Council Meeting	approved	Pass

**Subject:**

Extension and re-adoption of emergency ordinance to waive zoning regulations to permit temporary outdoor activity through September 1, 2021

**EXPLANATION AND SUMMARY :**

On June 1, Town Council approved an emergency ordinance to permit temporary waivers for outdoor commercial activity-specifically to assist businesses that were adversely affected by the ongoing pandemic.

The original emergency ordinance was valid for 60 days and was readopted June 15 to allow businesses to conduct outdoor commercial operations with a temporary permit until September 30, 2020. To assist business owners who have been negatively impacted by te various restrictions related to the novel coronavirus, Town Council approved an extension of the emergency ordinance to permit outdoor business operations to March 31, 2021, to be consistent with the continuity of government ordinance timeframe. Town Council will consider extending the emergency ordinance for another six months to September 1, 2021.

The current emergency ordinance gives the town manager authority to issue a temporary emergency outdoor commercial activity permit to businesses and is valid only until March 31, 2021.

Applications for the temporary permit are submitted online to the department of planning and zoning. Under normal circumstances, business owners would be required to pursue a formal process, which would delay their ability to reopen and impede support for revitalization of the local economy. As of February 10, 2021, 31 temporary permits have been issued.

**Strategic Plan Initiative:** This action aligns with two of the Town’s strategic goals:

- 1) *Vienna is an economically prosperous community.*
- 2) *Vienna is an influential and well-governed community.*

**Departmental Recommendation :** The economic development and planning and zoning departments recommend that Town Council approve extension of this emergency ordinance. The emergency ordinance applies only to establishments that have a valid business license and are located in areas where they are approved to operate by right. Businesses that apply for the permit, submit an online application and a diagram of the proposed outdoor location for dining or other commercial activity. In issuing a temporary emergency outdoor commercial activity permit, parts of the Town Code are waived as it relates to engaging in commercial business activity:

- outside of an enclosed building
- using onsite sidewalks
- using required parking areas

In addition, regulations regarding signs and requirements for conditional use permits for outdoor dining activities are waived with discretion given to the town manager.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** The governor, by executive order and state budget amendments, declared an ongoing emergency due to the covid-19 pandemic. Town Council may extended temporary suspension of zoning provisions related to outdoor business operations in its discretion.

**Town Manager's Recommendation :** I recommend the Town Council approve and re-adopt extension of the temporary outdoor activity ordinance for expanded use of outdoor dining and other commercial activities six months to September 1, 2021, subject to conditions outlined in the emergency ordinance, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: 3/31/2021

## PROPOSED/SUGGESTED MOTION

“I move to approve and re-adopt extension of the temporary outdoor activity ordinance for expanded use of outdoor business operations for outdoor dining and other commercial activities six months to September 1, 2021, subject to conditions outlined in the emergency ordinance.”

Or

Other action deemed necessary by Council.