



## Legislation Details (With Text)

<b>File #:</b>	20-1989	<b>Version:</b>	1	<b>Name:</b>	
<b>Type:</b>	Action Item	<b>Status:</b>		Agenda Ready	
<b>File created:</b>	12/8/2020	<b>In control:</b>		Town Council Meeting	
<b>On agenda:</b>	1/4/2021	<b>Final action:</b>			
<b>Title:</b>	Re-adoption of emergency ordinance to permit temporary waivers of zoning regulations and review for public, semi-public, and private institutions				
<b>Sponsors:</b>					
<b>Indexes:</b>					
<b>Code sections:</b>					
<b>Attachments:</b>	1. Temporary Institution Outdoor Operations Ordinance - 1 04 2021				

Date	Ver.	Action By	Action	Result
1/4/2021	1	Town Council Meeting	approved	Pass

### Subject:

Re-adoption of emergency ordinance to permit temporary waivers of zoning regulations and review for public, semi-public, and private institutions

### EXPLANATION AND SUMMARY :

On September 4, Town Council approved an emergency ordinance to permit a temporary waiver of zoning regulations and review for public, semi-public, and private institutions. Town Council re-adopted the ordinance on October 5, 2020.

The emergency ordinance is currently valid until January 31, 2021, unless extended, amended, rescinded, or readopted by Town Council prior to that date. The maximum extension would be for six months from the re-adoption date or until July 4, 2021.

### Background on Emergency Ordinance

On July 1, 2020, Northern Virginia entered Phase Three of the Forward Virginia reopening plan, which slowly eases public health restrictions on residents and certain business operations that were put in place in response to the novel coronavirus.

As public, semi-public, and private institutions have been impacted by the novel coronavirus due to the varied restrictions, staff is requesting that Town Council approve an emergency ordinance to permit outdoor operations under certain conditions covered by the governor's most recent executive orders and other state- and local-mandated health and fire marshal precautions.

The emergency ordinance gives the Town Manager authority to issue a temporary outdoor institutional operations permit to businesses. Applications are submitted online to the Department of Planning and Zoning. This action helps maintain the continuity of government by providing an expedited and streamlined process to institutions with limited administrative burden.

**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 re-adoption of the emergency ordinance. The emergency ordinance applies only to listed entities that have current operations, a certificate of occupancy for a current use, and are located in areas where they already are approved to operate by-right or with an existing conditional use permit.

Both departments have outlined a process wherein businesses and other groups would submit an online application to the Town that includes a diagram of the proposed outdoor operations. In issuing a temporary outdoor institutional operations permit, parts of the Town Code are waived as it relates to engaging in outdoor operations.

In addition, regulations regarding signs and requirements for conditional use permits would be waived with discretion given to the Town Manager.

**Finance Recommendation :** N/A

**Purchasing Recommendation :** N/A

**Town Attorney Recommendation :** The Governor of Virginia has maintained the state of emergency due to the ongoing Covid-19 pandemic and the Town Council may re-adopt and extend the emergency ordinance related to the provision of zoning waivers for institutional outdoor operations in the discretion of the Town Council.

**Town Manager's Recommendation :** The Town Manager recommends Town Council re-adopt the emergency ordinance.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: January 4, 2021

### **PROPOSED/SUGGESTED MOTION**

"I move to re-adopt an emergency ordinance, originally adopted September 4 and re-adopted on October 5, related to expanded use of institutional outdoor operations by public, semi-public, and private institutions. This emergency ordinance will expire on July 4, 2021."

Or

Other action deemed necessary by Council.