



## Legislation Text

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**File #:** 20-1819, **Version:** 1

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### **Subject:**

Extension and Re-adoption of emergency ordinance to waive zoning regulations to permit temporary outdoor activity through March 31, 2021

### **EXPLANATION AND SUMMARY :**

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

Since May 29, Northern Virginia businesses have continued to make changes to business operations to respond to the health crisis. Currently, in Phase Three of the Forward Virginia Plan, businesses - especially restaurants - are permitted to provide service in outdoor and indoor spaces and must adhere to physical distancing guidelines, enhanced cleaning and disinfection practices, and enhanced workplace safety practices.

To assist business owners who have been negatively impacted by the various restrictions related to the novel coronavirus, staff is requesting that Town Council approve extension of the emergency ordinance to permit outdoor business operations to March 31, 2021, to be consistent with the continuity of government ordinance timeframe.

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 September 30.

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 in Vienna.

**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** : Pursuant to Town Code Sections 2-56, 9.1.2, and 9.1.1, and to address the severe COVID-19 economic impact, Town Council may adopt and approve the proposed extension of the emergency/temporary ordinance in its discretion. The term of the ordinance extends the current ordinance six months from its current expiration date of September 30, 2020, until March 31, 2021 in accordance with Town Code Section 9.1.1.

**Town Manager's Recommendation** : I recommend that Town Council approve extension of the emergency/temporary ordinance to provide temporary waivers for outdoor commercial business operations to March 31, 2021.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: 06/01/20

## PROPOSED/SUGGESTED MOTION

"I move to approve extension of the temporary outdoor activity ordinance for expanded use of outdoor business operations for outdoor dining and other commercial activities six months to March 31, 2021, subject to conditions outlined in the emergency ordinance."

Or

Other action deemed necessary by Council.