



Legislation Text

File #: 20-1886, **Version:** 1

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, in its motion, directed the Town Clerk to advertise re-adoption of the ordinance on October 5, 2020.

The emergency ordinance is currently valid for 60 days (until November 3, 2020); re-adoption will make it valid until January 31, 2021, unless extended, amended, rescinded, or readopted by Town Council prior to that date.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 April 5, 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 The emergency ordinance would be valid for 60 days only unless rescinded or renewed by Town Council.

The emergency ordinance will give the Town Manager authority to issue a temporary outdoor institutional operations permit to businesses. Applications will be submitted online to the Department of Planning and Zoning. This action will help 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 Town Attorney recommends re-adoption of the emergency ordinance to expand temporary outdoor operations. Town Council may re-adopt the proposed emergency ordinance in its discretion.

Town Manager's Recommendation : I recommend the Town Council re-adopt an emergency ordinance, originally adopted on September 4 and related to expanded use of institutional outdoor operations by public, semi-public and private institutions, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: October 5, 2020

PROPOSED/SUGGESTED MOTION

"I move to re-adopt an emergency ordinance, originally adopted September 4 and related to expanded use of institutional outdoor operations by public, semi-public, and private institutions. This emergency ordinance will expire on January 31, 2021."

Or

Other action deemed necessary by Council.