



Legislation Text

File #: 21-2615, **Version:** 1

Subject:

Request to set a public hearing for Nov. 15, 2021 for consideration of a zoning ordinance text amendment for Section 18-72 and Section 18-210, related to the allowance of outdoor dining, advertise for intent to adopt, and refer the matter to the Planning Commission

EXPLANATION AND SUMMARY :

On June 1, 2020, the Vienna 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.

Since then, the Town Council has approved several extensions, including the most recent extension on June 7, 2021, which is set to expire on Dec. 7, 2021. The emergency ordinance cannot be extended past Dec. 30, 2021, six-months past when the Commonwealth of Virginia's State of Emergency expired.

Twenty-two restaurants have received approval for temporary outdoor dining.

Normally, the Town Code requires a conditional use permit for outdoor dining, per Section 18-72. This requires a review by the Planning Commission and a decision by the Board of Zoning Appeals. A \$1,500 fee is also associated with a conditional use permit.

In lieu of the conditional use permit process, and as a permanent replacement for a simplified and streamlined process to allow for outdoor dining, staff has proposed language modifying Section 18-72 and Section 18-210. The proposed text amendments allow for outdoor dining with administrative review and allow for dining within parking spaces, with several conditions. All permanent structures and exterior modifications would also be subject to review by the Board of Architectural Review.

Strategic Plan Initiative: *Vienna as an influential and well-governed community*

Board of Commission of Interest: Planning Commission

Departmental Recommendation : Staff recommends setting the public hearing for Nov. 15, 2021 and referring the matter to the Planning Commission for a public hearing at a special meeting on Nov. 3, 2021.

Finance Recommendation : N/A

Purchasing Recommendation : N/A

Town Attorney Recommendation : The Town Council may refer proposed edits of Chapter 18 to the Planning Commission in its discretion. The Town Attorney would also suggest review of the impact to existing site plan approvals related to parking and other site features previously required or approved by the Town Council.

Town Manager's Recommendation : I recommend the Town Council refer to the Planning Commission for consideration text amendments to Section 18-82 and Section 18-210 related to outdoor dining and set a public hearing for November 15, 2021 to receive the Planning Commission's recommendation as well as public input on the proposed changes to text amendments to Section 18-72 and Section 18-210 related to outdoor dining and refer the draft amendments to the Planning Commission and direct the Town Clerk to advertise the public hearing and notice to intent to adopt at the November 15, 2021 Town Council meeting, as presented.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: Oct. 11, 2021

PROPOSED/SUGGESTED MOTION

"I move to refer to the Planning Commission for consideration text amendments to Section 18-72 and Section 18-210 related to outdoor dining."

And

"I move to set a public hearing for Nov. 15, 2021 to receive the Planning Commission's recommendation as well as public input on the proposed changes to text amendments to Section 18-72 and Section 18-210 related to outdoor dining and refer the draft amendments to the Planning Commission."

And

"I further move to direct the Town Clerk to advertise the public hearing and a Notice to Intent to Adopt at the Nov. 15, 2021 Town Council meeting."

Or

Other action deemed necessary by Council.