



## Legislation Text

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**File #:** 21-2696, **Version:** 1

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### **Subject:**

Public hearing for consideration of a zoning ordinance text amendment for Section 18-72 and Section 18-210, related to the allowance of outdoor dining and adoption of text amendments

### **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. Of those 22 restaurants, 13 are currently utilizing off-street parking spaces for outdoor dining space. Staff recently observed a total of 58 off-street parking spaces being utilized.

Normally, the Town Code requires a conditional use permit for outdoor dining, per Section 18-72 and Section 18-210. 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. Per the current zoning ordinance, off-street parking spaces cannot be utilized for outdoor dining.

In lieu of the conditional use permit process, and as a permanent replacement for a simplified and more streamlined process to allow for outdoor dining, staff has proposed language modifying Section 18-72 and Section 18-210. The Planning Commission held a work session on Oct. 13, 2021 to discuss the proposed text amendments.

The proposed text amendments, which have been revised since the Planning Commission work session, allow for outdoor dining with administrative review and allow for dining within parking spaces, with conditions. All structures, features, and furnishings for both permanent outdoor dining and off-street parking dining would also be subject to review by the Board of Architectural Review. Both the permanent outdoor dining and annual off-street parking dining also would require permits with the submission of a to-scale drawing showing any proposed seating and improvements.

The proposed text amendments are consistent with the Town's Comprehensive Plan, specifically the land use goal of encouraging a vibrant central business district (page 19) and the economic development goals of creating an attractive, walkable community and improving government regulations and processes (page 49).

The Planning Commission held a public hearing on Nov. 3, 2021 and voted 6-0 to recommend approval of the text amendments as presented to the Town Council.

The Town Council will also consider amending Section 1-12 of the Town Code to amend the Planning and Zoning Schedule of Fees and add \$100.00 fees for both types of outdoor dining permits.

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

**Board of Commission of Interest:** Planning Commission

**Departmental Recommendation :** The Town Council may adopt the text amendments as presented or take other actions as deemed necessary.

**Finance Recommendation :**

**Purchasing Recommendation :**

**Town Attorney Recommendation :** The Town Council may conduct a public hearing to consider amendments to the Zoning Ordinance to expand outdoor dining options in its discretion.

**Town Manager's Recommendation :** I recommend the Town Council adopt the text amendments for Section 18-72 and Section 18-210, as related to outdoor dining, as the Council sees fit.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: December 7, 2021

#### **PROPOSED/SUGGESTED MOTION**

"I move to close the public hearing."

And

"I move to adopt the text amendments for Section 18-72 and Section 18-210, as related to outdoor dining, as presented."

And

"I further move to direct the Town Clerk to advertise the adoption of the zoning ordinance text amendments."

Or

Other action deemed necessary by Council.