



## Legislation Text

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**File #:** 21-2768, **Version:** 1

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### **Subject:**

Extension and re-adoption of emergency ordinance to waive zoning regulations to permit temporary outdoor activity through Dec. 31, 2021

### **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.

The original 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 Sept. 30, 2020. To assist business owners who have been negatively impacted by the various restrictions related to the novel coronavirus, the Town Council approved an 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 Town Council last approved another extension of the emergency ordinance on June 7, 2021 for another six months to Dec. 7, 2021.

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 Dec. 7, 2021.

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.

**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 Planning and Zoning Department recommends re-adoption of the emergency ordinance through Dec. 31, 2021.

**Finance Recommendation :**

**Purchasing Recommendation :**

**Town Attorney Recommendation :** The Town Council may re-adopt and extend the emergency

temporary outdoor activity ordinance for expanded use of outdoor business operations for outdoor dining and other commercial activities in its discretion. It must expire on Dec. 30 as the declaration of the statewide emergency expired on June 30, and an emergency ordinance may only continue for six (6) months after the end of the emergency.

The Town may adopt non-emergency zoning code amendments to outdoor operations through its regular zoning amendment procedure.

**Town Manager's Recommendation** : The Manager recommends Town Council approve and re-adopt extension of the emergency temporary outdoor activity ordinance as proposed.

Cost and Financing: N/A

Account Number: N/A

Decision Needed by This date: Dec. 6, 2021

### **PROPOSED/SUGGESTED MOTION**

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

And

"I further move to direct the Town Clerk to advertise a Notice of Adoption of the emergency ordinance."

Or

Other action deemed necessary by Council.