



# Opening up the Economy – Phase 1

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Department of Planning and Development  
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# Proposal to Permit Restaurants and Exercise Facilities to Open Outdoors Pursuant to Phase 1 Guidelines

- Guidelines **permit outdoor dining and fitness and exercise activities**  
@ 50% of permitted interior occupancy
- **Curb-side pick up** will continue to be permitted
- **Virginia ABC (VABC)** has allowed blanket jurisdictional approval  
v. approval of individual applications
- Business owners are eager to re-open under Phase 1 guidelines
- County typically does not permit these operations in **parking lots**
- Requesting Board approval of **Emergency Ordinance** to permit such activities under certain conditions

# Staff Team

- Staff team comprised of:
  - Department of Planning and Development (DPD), including Zoning Administrator
  - Land Development Services (LDS), including Building Official
  - Department of Code Compliance (DCC)
  - Office of the Fire Marshal (OFM)
  - Department of Environmental Health (DEH)
  - Office of the County Attorney (OCA)

# General Provisions

- Under with the Governor's Executive Order 61, restaurants and health clubs/exercise facilities may open utilizing outdoor areas on private property for dining and exercise classes **without further documentation or approval** from the County, subject to the following
- For the purpose of this Ordinance the term "restaurant" also includes the tasting rooms of breweries and wineries; however, existing food-service restrictions for breweries and wineries are still in effect
- "Fitness and exercise activities" includes fitness centers, gymnasiums, recreation centers, sports facilities, and exercise facilities
- Restaurants must follow the Business Sector Guidelines from the Virginia Department of Health and VABC rules for serving alcohol in temporary outdoor dining areas
- Emergency Ordinance would serve as the required jurisdictional approval required by VABC
- Business owner is responsible for coordinating with and gaining approval from property owner/manager
- Outdoor use is associated with an existing facility located on the property that has a valid Non-Residential Use Permit/Certificate of Occupancy and Food Establishment Permit
- Outdoor use is limited to 50% of permitted interior occupancy

# Locational Provisions

- Area perimeter must be clearly delineated by cordon, marking or other mechanism
- The outdoor dining area must be located entirely on hard surfaces, such as existing patios, sidewalks, paved parking spaces
- Outdoor exercising may be permitted in parking areas or on adjacent open space as appropriate
- No permanent physical alterations are allowed, including elevated decks or any new paved surfaces

# Locational Provisions (cont'd)

- Adequate parking must be maintained for on-site users
- Number and location of parking designated for individuals with disabilities must be maintained
- Location cannot:
  - Interfere with travel ways or on-site circulation
  - Obstruct sidewalks, trails or public rights-of-way
  - Obstruct a fire lane or fire equipment (hydrants, hose connections)
  - Obstruct any building entrance or exit, or any other area designated for life safety or ADA accessibility
  - Interfere with street access for fire department vehicular response

# Operational Conditions

- All tables, chairs, umbrellas, lighting and other accessories must be removable and maintained in good appearance and repair
- Temporary tents/canopies open on all sides and less than 900 sq ft in size are permitted provided they are securely anchored
- Permanent awnings and tents 900 sq ft or greater require a permit from the Fire Marshal
- No outdoor entertainment activities are permitted
- All activities are subject to the Noise Ordinance
- No additional business signs and advertisements are permitted except as permitted under Article 12, Signs, of the Zoning Ordinance
- The outdoor area must be kept free of trash and debris
- The outdoor area must be accessible to disabled patrons

# Requested Board Action

- Approval of an Emergency Ordinance
- Approval of a blanket VABC approval in support of individual license applications



# Discussion/Questions