

Attachment 1

Temporary Outdoor Use for Retail and Health and Fitness Uses

Providing Expanded Business Opportunities in Compliance with the Governor's Orders and Pursuant to the City's Continuity of Government Ordinance

Options are proposed for expanding retail and health and fitness activities at alternative outdoor sites, in accordance with the Governor's *Forward Virginia* Plan. The City has initiated the following changes effective until the Sunday before Thanksgiving, in alignment with the temporary outdoor dining program, as has been extended by the City Manager. To establish these programs, waivers of enforcement of City ordinances were required, as noted within the description of each program:

1. Retail Uses

Retail businesses may request the use of sidewalks, on-street parking spaces, and privately-owned parking lots and spaces to display their products and conduct sales, where it will not detrimentally impact adjacent uses. Retail operators may take advantage of this program by submitting basic information identifying proposed locations and square footage for outdoor use to Planning & Zoning. The request form and a letter of agreement with conditions will also ensure compliance with specific criteria outlined below. Staff from Planning & Zoning, Transportation & Environmental Services, Health, Fire and Police will review the requests at no cost to the applicant. T&ES will install wheel stops and flex posts for outdoor retail areas in on-street parking spaces.

Code Sections that have been suspended:

Section 5-8-3(f) - review by Traffic and Parking Board before recommendation to the Director of T&ES. Section 10-2-24 - Emergency and experimental regulations also allows for this suspension.

Section 5-2-29 – Street encroachments

Section 8-200(A)(16) – General parking regulations, specific commercial

Sec. 7-1500 - Outdoor display, sale or storage of goods or merchandise.

All other references to the prohibition of the conduct of outdoor business.

Criteria for Suspension:

- Retail operators may use parking spaces in front of their business, adhering to the modified guidelines of the Parklet Program, including the location of parking spaces for outdoor dining away from corners or on streets with a high traffic volume.
- Social distancing requirements must be met.
- Outdoor display on sidewalks must allow for at least five feet of continuous pedestrian access.
- Live entertainment is not permitted.
- Liability insurance certificate is required for use of public right-of-way.
- If on private land not controlled by the operator, the operator must indicate permission of the property owner.

2. Health and fitness uses in off-street parking spaces on private property

Health and business operators may request the use of privately-owned parking lots and spaces to offer classes and provide access to fitness equipment, where it will not detrimentally impact adjacent uses. They may take advantage of this program by submitting basic information identifying proposed locations and square footage to Planning & Zoning. This would also note compliance with specific criteria outlined below. Staff from Planning & Zoning, Transportation & Environmental Services, Health, Fire and Police will review the requests within three days at no cost to the applicant.

Criteria for Suspension:

- Social distancing requirements must be met.
- Live entertainment is not permitted.
- If private land is not controlled by the operator, the operator must indicate permission of the property owner.

Code Sections that have been suspended:

Section 8-200(A)(16) – General parking regulations, specific commercial

Section 8-200(A)(18) – General parking regulations, miscellaneous commercial

Section 11-513 – Administrative Special Use Permit

Tolling of Validity Periods for Certain Land Use Permits

Not counting period of emergency toward time limits of certain land use entitlements

Certain land use approvals (special use permits, development special use permits, BAR certificates of appropriateness and permits to demolish) require the applicant to take an action within a prescribed time frame (commence construction, open the business, etc.). Because many applicants are not able to make the normal progress on their projects during the COVID-19 emergency, staff will not count the period of the emergency against these time limits.

Applications approved prior to the declaration of the emergency in mid-March will receive an automatic 6-month extension on the time of validity of their DSP, SUP, DSUP, or BAR Certificate of Appropriateness/Permit-to-Demolish. Applications approved during the emergency will receive a pro-rata extension. The six-month extension is based on an assumption that the emergency will end on September 30, 2020. If the emergency continues, the validity period extension will be expanded automatically until the emergency does conclude.

- BAR: 10-206 - Issuance, expiration and procedures for certificates of appropriateness or permits.
- DSPs, SUPs, and DSUPs: 11-418 - Time of validity; 11-506 - Duration of Valid Permit

Extension of previously approved temporary waivers

The following suspensions ratified by City Council, on April 14th and May 26th, will be extended until the Sunday before Thanksgiving: Restaurant Deliveries and Pick-up, Hours of Operation, Sidewalk/Parking Lot Vending, Off Premises Alcohol Sales, Outdoor Dining, and Curbside Pick-up Areas (originally approved for 90 days under City Code Section 10-2-24) with the potential for a further extension or shortened program upon a decision by the City Manager.