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City of Falls Church

Meeting Date: 4-20-2020	Title: (TO20-15) EMERGENCY ORDINANCE TO SUSPEND ENFORCEMENT OF ZONING REGULATIONS THAT LIMIT OUTDOOR CONDUCT OF BUSINESS AND PLACEMENT OF TEMPORARY SIGNS IN ORDER TO GRANT TEMPORARY RELIEF FROM CONDITIONS CAUSED BY THE COVID-19 PANDEMIC	Agenda No.: 6(d)	
Proposed Motion: MOVE to adopt (TO20-15) on an emergency basis, and grant first reading to that ordinance, schedule a public hearing and second reading for a meeting to be scheduled before May 31, 2020, and authorize advertisement of the same according to law when meeting date has been determined.			
Originating Dept. Head: James B. Snyder Director of CPEDS 703.248.5182 JS 4-10-20	Lead Staff: Becky Witsman Economic Development Chief 703-248-5224 Akida Rouzi, Principal Planner 703-248-5104 AR 4-10-20	Disposition by Council:	
City Manager: Wyatt Shields 703.248.5004 FWS 4-9-2020	City Attorney: Carol McCoskrie 703.248.5010 CWM 4-10-2020	CFO: Kiran Bawa 703.248.5092 KB 4-9-2020	City Clerk: Celeste Heath 703.248.5014 CH 04-10-20

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REQUEST: Council is requested to adopt an emergency ordinance, and grant first reading for the regular ordinance, authorizing the City Manager to suspend enforcement of zoning regulations that limit outdoor conduct of business and placement of temporary signs in order to grant temporary relief to businesses from extreme conditions resulting from the COVID-19 pandemic.

RECOMMENDATION: Staff recommends adoption of (TO20-15) as an emergency ordinance and granting of first reading to the regular ordinance. An emergency exists because the businesses in the City are facing dire conditions from which they may not recover if immediate action is not taken.

BACKGROUND: To protect local businesses from the effects of the pandemic and to support the public’s access to food and retail services during this pandemic, and to promote social distancing measures, staff is requesting that Council adopt an emergency ordinance to permit the City Manager to suspend enforcement of Zoning regulations related to conducting business outdoors and limiting business signs. The City Manager would be able to:

- 21 1. Permit restaurants or other businesses to place temporary signs and banners
22 that promote a drive-up, carryout-style of food and beverage without a
23 permit, provided that no vision or safety obstructions are created. This
24 temporary signage would include one temporary banner sign of up to 30
25 square feet, one temporary window sign occupying no more than 50 percent
26 of a single window pane, and one sandwich board sign up to ten square feet
27 per business frontage may be displayed for the duration of the declared
28 emergency. Any emergency temporary signs shall be removed within thirty
29 (30) days after the end of the emergency.
- 30 2. Permit the taking of orders and delivery of food and beverage orders from
31 the immediate vicinity of the establishment entrance or within its parking lot
32 as an accessory use temporarily permitted by the occupancy permit.
- 33 3. Allow parking spaces assigned to an occupant to be converted to use for
34 tents, outdoor seating and carry-out as necessary and consistent with the
35 governor's order so as to facilitate the use during this crisis.
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37 **FISCAL IMPACT:** None, immediately, although some actions permitted by this
38 ordinance could have future impacts.

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40 **TIMING:** Immediate, an emergency exists. The emergency ordinance will be in effect
41 for 60 days.
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(TO20-15)

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45 EMERGENCY ORDINANCE TO SUSPEND ENFORCEMENT OF
46 CERTAIN ZONING REGULATIONS THAT LIMIT OUTDOOR
47 CONDUCT OF BUSINESS AND PLACEMENT OF TEMPORARY
48 SIGNS IN ORDER TO GRANT TEMPORARY RELIEF TO
49 BUSINESSES FROM CERTAIN ZONING RESTRICTIONS DURING
50 THIS PANDEMIC
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52 WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order Fifty-
53 One (the “Governor’s Executive Order”) declaring a state of emergency for
54 the Commonwealth of Virginia arising from the COVID-19 pandemic and
55 further acknowledging the existence of a disaster, as defined by Virginia
56 Code § 44-146.16, arising from the public health threat presented by this
57 spreading communicable disease; and
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59 WHEREAS, on March 13, 2020, the President of the United States declared a national
60 emergency, beginning March 1, 2020, also in response to the spread of
61 the virus; and
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63 WHEREAS, on March 16, 2020, the Falls Church Director of Emergency
64 Management (Director), with the Consent of the Falls Church City
65 Council (“City Council”), declared a local state of emergency
66 (“Declaration”) in Falls Church City (“City”) because of the likely
67 outbreak of the virus in the City and the resulting danger to the public’s
68 health, safety, and welfare due to the transmission and contraction of the
69 virus; and
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71 WHEREAS, there have been many confirmed and suspected cases of COVID-19
72 within the Commonwealth of Virginia, the City, and surrounding
73 jurisdictions; and
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75 WHEREAS, on April 6, 2020, the City Director of Emergency Management, with the
76 consent of the City Council, issued an updated Declaration, declaring the
77 emergency is also a “disaster” as defined by Virginia Code §44-146.16;
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80 WHEREAS, the City Council has found that emergency measures, including this
81 Ordinance, are necessary to mitigate the ongoing emergency and disaster
82 that is occurring in the City, and to protect the health, safety, and welfare
83 of the citizens; and
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85 WHEREAS, to support local businesses from the effects of the pandemic and to
86 protect the public’s access to food and retail services during this
87 pandemic, and to promote social distancing measures, the City Council
88 authorizes the City Manager to temporarily suspend enforcement of
89 certain zoning regulation governing the placement of temporary signs,

90 erecting of outdoor tents, food delivery and carryout operations, and the
91 permitted use of parking spaces.
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93 THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS THAT
94 notwithstanding any provision of law, regulation or policy to the contrary, in order to
95 grant temporary relief to businesses from certain zoning restrictions that limit outdoor
96 conduct of business during this pandemic, the City Council authorizes the City Manager
97 to suspend enforcement of zoning regulations as follows:
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- 99 1. To permit the placement of temporary signs and banners that promote a drive-
100 up, carryout-style of food and beverage, provided that no vision or safety
101 obstructions are created. The Manager may permit in addition to signs otherwise
102 allowed under Falls Church City Code Section 48-1265(7), one temporary
103 banner sign of up to 30 square feet, one temporary window sign occupying no
104 more than 50 percent of a single window pane, and one sandwich board sign up
105 to ten square feet per business frontage may be displayed for the duration of the
106 declared emergency. Any emergency temporary signs shall be removed within
107 thirty (30) days after the end of the emergency.
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- 109 2. Permit the taking of orders and delivery of food and beverage from the
110 immediate vicinity of the establishment entrance or within its parking lot to be
111 an accessory use temporarily permitted by the occupancy permit.
112
- 113 3. Allow parking spaces assigned to the occupant to be converted to tents, outdoor
114 seating and carry-out as necessary to facilitate the use during this crisis.
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116 IT IS FURTHER ORDAINED that an emergency exists due to the COVID 19
117 pandemic and that this ordinance shall be effective immediately and will expire sixty
118 (60) days after its adoption unless it has been adopted again after a public hearing
119 advertised in accordance with the City Charter.
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122 Reading: ____
123 Adoption: ____
124 (TR20-15)
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