

EMERGENCY ORDINANCE TO SUSPEND ENFORCEMENT OF CERTAIN ZONING REGULATIONS THAT LIMIT OUTDOOR CONDUCT OF BUSINESS AND PLACEMENT OF TEMPORARY SIGNS IN ORDER TO GRANT TEMPORARY RELIEF TO BUSINESSES FROM CERTAIN ZONING RESTRICTIONS DURING THIS PANDEMIC

- WHEREAS, on March 12, 2020, the Governor of Virginia issued Executive Order Fifty- One (the “Governor’s Executive Order”) declaring a state of emergency for the Commonwealth of Virginia arising from the COVID-19 pandemic and further acknowledging the existence of a disaster, as defined by Virginia Code § 44-146.16, arising from the public health threat presented by this spreading communicable disease; and
- WHEREAS, on March 13, 2020, the President of the United States declared a national emergency, beginning March 1, 2020, also in response to the spread of the virus; and
- WHEREAS, on March 16, 2020, the Falls Church Director of Emergency Management (Director), with the Consent of the Falls Church City Council (“City Council”), declared a local state of emergency (“Declaration”) in Falls Church City (“City”) because of the likely outbreak of the virus in the City and the resulting danger to the public’s health, safety, and welfare due to the transmission and contraction of the virus; and
- WHEREAS, there have been many confirmed and suspected cases of COVID-19 within the Commonwealth of Virginia, the City, and surrounding jurisdictions; and
- WHEREAS, on April 6, 2020, the City Director of Emergency Management, with the consent of the City Council, issued an updated Declaration, declaring the emergency is also a “disaster” as defined by Virginia Code §44-146.16; and
- WHEREAS, the City Council has found that emergency measures, including this Ordinance, are necessary to mitigate the ongoing emergency and disaster that is occurring in the City, and to protect the health, safety, and welfare of the citizens; and
- WHEREAS, to support local businesses from the effects of the pandemic and to protect the public’s access to food and retail services during this pandemic, and to promote social distancing measures, the City Council authorizes the City Manager to temporarily suspend enforcement of certain zoning regulation governing the placement of temporary signs, erecting of outdoor tents, food delivery and carryout operations, and the permitted use of parking spaces;

THE CITY OF FALLS CHURCH, VIRGINIA, HEREBY ORDAINS THAT notwithstanding any provision of law, regulation or policy to the contrary, in order to grant temporary relief to businesses from certain zoning restrictions that limit outdoor conduct of

business during this pandemic, the City Council authorizes the City Manager to suspend enforcement of zoning regulations as follows:

1. To permit the placement of temporary signs and banners that promote a drive-up, carryout-style of food and beverage, provided that no vision or safety obstructions are created. The Manager may permit in addition to signs otherwise allowed under Falls Church City Code Section 48-1265(7), one temporary banner sign of up to 30 square feet, one temporary window sign occupying no more than 50 percent of a single window pane, and one sandwich board sign up to ten square feet per business frontage may be displayed for the duration of the declared emergency. Any emergency temporary signs shall be removed within thirty (30) days after the end of the emergency.
2. Permit the taking of orders and delivery of food and beverage from the immediate vicinity of the establishment entrance or within its parking lot to be an accessory use temporarily permitted by the occupancy permit.
3. Allow parking spaces assigned to the occupant to be converted to tents, outdoor seating and carry-out as necessary to facilitate the use during this crisis.

IT IS FURTHER ORDAINED that this ordinance shall be effective immediately.

Emergency Adoption: 04-13-20

First Reading: 04-13-20

Second Reading: 05-26-20

Adoption: 05-26-20

(TR20-15)

IN WITNESS WHEREOF, the foregoing was adopted by the City Council of the City of Falls Church, Virginia on April 13, 2020 on and emergency basis and re-adopted on May 26, 2020 as Ordinance 2008.



Celeste Heath
City Clerk