

EMERGENCY ORDINANCE NO. 20-4

An uncodified ordinance allowing restaurants, given the current state of emergency, to temporarily provide for expanded dining on certain sidewalks and in their parking lots, notwithstanding parking and final site plan requirements in Chapter 286, Zoning, of the City Code.

WHEREAS, it is important to the City's overall financial health and prosperity for its restaurants to be operated profitably; and

WHEREAS, since March 12, 2020, a state of emergency has existed in the Commonwealth of Virginia due to the Novel Coronavirus (COVID-19) pandemic; and

WHEREAS, on March 17, 2020, the City Council confirmed the City Manager's March 16, 2020 declaration that a state of emergency due to COVID-19 exists in the City of Colonial Heights; and

WHEREAS, Executive Orders of the Governor of the Commonwealth have imposed severe restrictions on the number of persons who can dine in and be served by restaurants, resulting in financial distress for many restaurant owners and their staffs in the City; and

WHEREAS, the financial distress such restrictions have created for many restaurant owners and their staffs – including unemployment and reduced wages for employees and the inability to make a profit – constitutes an emergency; and

WHEREAS, some restaurants desire to provide for outdoor dining for patrons, either on sidewalks or parking lots, to at least partially offset the negative economic consequences of the Governor's restrictions on indoor dining; and

WHEREAS, to help the City's restaurants remain economically viable, the City Council believes it should try to assist restaurants in the City by authorizing, on a temporary basis, expanded dining opportunities that comply with the Governor's Executive Orders; NOW, THEREFORE,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF COLONIAL HEIGHTS:

1. An emergency exists, and any restaurant is allowed to provide dining for patrons on or in the following areas: (a) a sidewalk directly adjoining one or more of the restaurant's

exterior walls; and (b) the restaurant's parking lot. Nothing herein shall be deemed to authorize restaurant dining for patrons on any other sidewalk or another business's parking lot; provided, however, that a restaurant may provide for dining on a parking lot it shares with one or more other businesses, if the parking lot owner consents to such dining.

2. To the extent that any provision in City Code §§ 286-506.06 through 286-506.22, relating to final site plans, and §§ 286-518.14 through 286-518.22, relating to parking spaces, conflicts with the expanded restaurant dining authorized in paragraph 1, such conflicting provision shall be null and void while this ordinance is in effect.

3. Notwithstanding the provisions of paragraph 1, all restaurants shall continue to fully comply with the Virginia Statewide Fire Prevention Code.

4. No restaurant providing for the outdoor dining authorized by this ordinance shall serve beverages containing alcohol without first obtaining the appropriate permit or license from the Virginia Alcoholic Beverage Control Authority.

5. This emergency ordinance shall be in effect upon approval after one reading and shall expire on August 8, 2020.

Approved:

Mayor

Attest:

City Clerk

I certify that the above emergency ordinance was:

Adopted on _____.

Ayes: _____. Nays: _____. Absent: _____. Abstain: _____.

The Honorable Michael A. Cherry, Councilman: _____.

The Honorable Kenneth B. Frenier, Councilman: _____.

The Honorable W. Joe Green, Jr., Councilman: _____.

The Honorable John E. Piotrowski, Councilman: _____.

The Honorable John T. Wood, Councilman: _____.

The Honorable Elizabeth G. Luck, Vice Mayor: _____.

The Honorable T. Gregory Kochuba, Mayor: _____.

City Clerk

Approved as to form:

City Attorney