



**MEMORANDUM**

**TO:** Timothy J. Baroody, City Manager  
**FROM:** Marne E. Sherman, Development Administrator  
**RE:** Emergency Appendix to the UDO Procedures Manual – Temporary Signs  
**DATE:** March 31, 2020 (for the April 7, 2020 City Council Meeting)

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**ISSUE**

Shall the Unified Development Ordinance (UDO) Procedures Manual be amended to assist businesses by establishing a clear process to display temporary signs and banners during the novel coronavirus state of emergency?

**RECOMMENDATION**

Approval of the draft resolution.

**TECHNICAL REVIEW COMMITTEE RECOMMENDATION**

Under City Code §72-14.0, the Zoning Administrator and Development Administrator develop and publish a single coordinated and integrated supplemental Procedures Manual. City Council approves all revisions to the Procedures Manual, after receiving the recommendation of the Technical Review Committee.

The Technical Review Committee has reviewed and approved the proposed appendix through telework capabilities and recommends it for approval.

**BACKGROUND AND PROPOSAL**

On March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia in response to the novel coronavirus (COVID-19) pandemic. The City Manager, as the City's Director of Emergency Management, pursuant to City Code §26-36 and Virginia Code §44-146.21, issued a Declaration of Local Emergency on March 16, 2020 in response to the imminent threat of disaster and danger to public health posed by the spread of the disease. This declaration was affirmed by City Council at a special meeting on Friday, March 20, 2020.

Large-scale quarantines, travel restrictions, and social-distancing measures have driven a sharp fall in consumer and business travel and spending. As a result, businesses have sought creative ways to display signage to let customers know that they are open for business and how their business models have changed such as offering new curbside, delivery, and drive-thru options. Fredericksburg businesses need clear authority to use temporary signs and banners to communicate with the public and their customer base during this period.

Temporary signs are regulated under Article 5 of the City's Unified Development Ordinance, Chapter

72 of the City Code. [§72-59.3.F.\(3\)](#) permits up to thirty-two square feet of signage, eight feet in height without a zoning permit until June 19, 2020 (10 days following the June 9 Primary Election). In some cases, signs in the Historic Overlay District still require approval of a Certificate of Appropriateness (COA). Due to the state of emergency, Architectural Review Board meetings have been cancelled, making the timely approval of a COA to meet the rapidly changing business environment a challenge.

[Procedures Manual](#) Part 2, generally outlines the process to obtain approval of a Certificate of Appropriateness and Sign Permit Application. The text below would be inserted into the Procedures Manual as an appendix to answer community questions and assist businesses by:

- clearly defining the type, size, height, and illumination standards for temporary signage as permitted by [§72-59.3.F.](#);
- providing contact information to submit a COA application;
- waiving the review fee for a COA, as applicable in the Historic Overlay District; and
- designating the Zoning Administrator (designee Historic Resources Planner) to review and act on the COA application for the temporary signs, as applicable in the Historic Overlay District.

## **PROCEDURES MANUAL APPENDIX**

### *Temporary Signage for Commercial Uses During the COVID-19 Pandemic, dated April 7, 2020*

Beginning immediately and lasting until June 19, 2020, commercial uses are permitted to display on-premise, temporary signage in accordance with [§72-59.3.F.\(3\)](#) and the following standards and procedures:

- **Sign Types:** Freestanding or building mounted signs, including banners, are permitted. Sail/Feather signs are prohibited per [§72-59.4.C](#).
- **Total Sign Area:** Display of up to 32 square feet is permitted. The display can be divided into multiple signs, not to exceed a cumulative total of 32 square feet.
- **Height:** Freestanding signs are permitted to be up to 8 feet in height. Building mounted signs must comply with [§72-82.8.H](#).
- **Illumination:** Signs shall be non-illuminated.
- **Permitting Process:** Signs installed in accordance with [§72-59.3.F.\(3\)](#) are exempt from obtaining a Zoning Permit. However, prior to installing temporary building mounted signs within the Historic Overlay District, a [Certificate of Appropriateness application](#) must be administratively approved by the Zoning Administrator (designee Historic Resources Planner). COA application fees shall be waived. Applications should include sign dimensions, materials, and mounting details. Applications can be filed [by email](#) or mail to the [Community Planning and Building Department](#).

Attachment: Resolution



April 7, 2020  
Special Meeting  
Resolution 20-

**MOTION:**

**SECOND:**

**RE: Approving an Emergency Appendix to the Unified Development Ordinance Procedures Manual Relating to Commercial Temporary Signs**

**ACTION: APPROVED: Ayes: 0; Nays: 0**

On March 12, 2020, Governor Ralph S. Northam issued Executive Order 51 declaring a state of emergency for the Commonwealth of Virginia in response to the novel coronavirus (COVID-19) pandemic. The City Manager, as the City's Director of Emergency Management, pursuant to City Code § 26-36 and Virginia Code § 44-146.21, issued a Declaration of Local Emergency on March 16, 2020 in response to the imminent threat of disaster and danger to public health posed by the spread of the disease. This declaration was affirmed by City Council at a special meeting on Friday, March 20, 2020. On March 23, 2020, Governor Northam issued Executive Order 53, closing all dining and congregation areas in restaurants, but permitting delivery and take-out services.

City Council adopted Ordinance No. 20-\_\_\_, to Address Continuity of City Government during the pendency of the COVID-1 pandemic disaster, on April 7, 2020. Among other things, the City's emergency authority under §44-146.21 and the Continuity of City Government ordinance permit the governing body to provide emergency assistance to victims of the disaster. Executive Order #55, issued on March 30, 2020, further ordered Virginians to "stay at home," except for specified purposes. Executive Order #55 expires on June 10, 2020.

Fredericksburg businesses need clear authority to use temporary signs and banners to communicate with the public and their customer base during this period, with respect to hours of operation and the availability of services such as delivery, take-out, and curb-side pick-up. Temporary signs are regulated under Article 5 of the City's Unified Development Ordinance, Chapter 72 of the City Code.

Under City Code §72-14.0, the Zoning Administrator and Development Administrator develop and publish a single coordinated and integrated supplemental Procedures Manual. City Council approves all revisions to the Procedures Manual, after receiving the recommendation of the Technical Review Committee.

The Zoning Administrator and Development Administrator have prepared an appendix to the Procedures Manual to provide a clear process for the application of City Code §72-59.3, "Exempted signs," subsection (F), "Temporary signs," to the use of temporary signs and banners by businesses effective immediately through June 19, 2020. The Technical Review Committee has reviewed and approved the proposed appendix through telework capabilities and recommends it for approval.

The proposed appendix is a form of emergency assistance to business victims of the COVID-19 public health emergency that will assist them in sustaining commercial activity during the emergency.

Therefore, the City Council hereby resolves that:

- the “Procedures Manual Appendix,” set forth in the memorandum from Marne E. Sherman, Development Administrator, to Timothy J. Baroody, City Manager, dated March 31, 2020, is approved;
- The appendix is temporary and shall expire on June 19, 2020, unless extended by City Council.

**Votes:**

**Ayes:**

**Nays:**

**Absent from Vote:**

**Absent from Meeting:**

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***Clerk’s Certificate***

*I certify that I am Clerk of Council of the City of Fredericksburg, Virginia, and that the foregoing is a true copy of Resolution No. 20-\_\_, adopted at a meeting of the City Council held April 7, 2020, by electronic communication means, at which a quorum was present and voted.*

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***Tonya B. Lacey, MMC***  
***Clerk of Council***