



June 10, 2020

Council Meeting of June 16, 2020

SUBJECT: Temporary Outdoor Seating Area(s)

The Honorable Mayor
and
Members of the City Council

Ladies and Gentlemen:

Due to the COVID-19 pandemic, Governor Whitmer placed restrictions on restaurants. With Executive Order #2020-114 that was issued on June 5, 2020, the Governor’s guidelines have allowed restaurants to re-open for dine-in customers but at 50% capacity. As such, a few local restaurants have reached out to City staff to inquire about our rules with outdoor seating areas that would allow restaurants to increase their capacity while following social distancing measures.

Other municipalities throughout Michigan have passed resolutions that outline their procedures and standards for temporary outdoor seating areas. City staff reviewed multiple communities’ standards and sought input from all departments to create our standards that are business-friendly and will keep these temporary outdoor seating areas safe. A prepared resolution is attached for the Council's use.

Respectfully submitted,

Mark C. Meyers
City Administrator

MCM/tsw
Attachment

Administration/City Clerk (231) 798-4391	Assessing Division (231) 799-6806	Building Division (231) 799-6801	Finance/Treasurer (231) 799-6805	Fire Prevention (231) 799-6809	Fire Department (231) 798-2255
Parks/Recreation (231) 799-6802	Planning/Zoning (231) 799-6800	Police Department (231) 733-2691	Public Works (231) 799-6803	Streets Division (231) 798-2156	Water/Sewer (231) 799-6804

RESOLUTION

WHEREAS The purpose of this resolution is to allow restaurants to temporarily allow for outdoor seating area(s) that comply with Executive Order #2020-114 that was issued by Governor Whitmer on June 5, 2020 as it relates to the COVID-19 pandemic.

WHEREAS These guidelines are for a temporary amount of time, October 31, 2020 at the latest. They are not permanent standards.

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby does/does not adopt the following procedures and standards for temporary outdoor seating at restaurants:

Procedures:

- Completed application and \$25 processing fee.
- Site plan that shows the following: seating areas, aisle widths, fencing/barriers, customer ingress/egress, customer ID checking area, parking areas (must show # of spots and # of spots being used for temporary outdoor seating area), barrier free parking spots, and any other structures including tents. More information may be required by City staff to ensure the safety and compliance with local ordinances and state laws.
- A Liquor Control Commission permit is required prior to opening the outdoor seating area if alcohol will be served. A plan must be submitted to ensure no alcohol sales to minors.
- Building permit for a tent or other structure, if applicable.
- Fire and Building inspections.

Standards:

- The outdoor seating area should have adequate distance for parties to be seated at minimum six (6) feet from one another. The aisle should be three (3) feet in width.
- Parking: based on the minimum number of spots allowed per City Ordinance, at least 75% of the permitted minimum amount shall remain open and usable. The number of barrier free parking spaces are based on Michigan Building Code 2015 edition. The number of barrier free spots shall remain the same. If any spots are being used for temporary outdoor seating, those spots must be moved to another place on the property and accessible.
- Temporary fencing shall not exceed 4 feet in height and shall be a minimum of 50% opaque. Fencing shall be securely anchored to the ground.
- Tents require a building permit and shall be securely anchored to the ground.
- Customer ingress/egress has to meet Michigan Building Code 2015 edition.
- Occupant load for entire restaurant must be followed per State of Michigan guidelines.
- Hours of operation for temporary outdoor seating must follow restaurants hours of operations.
- Temporary outdoor seating shall be allowed until October 31, 2020, or until the date of which restaurant occupant restrictions are lifted by the State of Michigan, whichever is earliest.

At a regular meeting of the City Council of the City of Norton Shores, held remotely, on the 16th day of June, 2020, the foregoing resolution was moved for adoption by Council Member

. The motion was supported by Council Member

Ayes:

Nays:

Excused:

Resolution declared adopted/denied.

Shelly Stibitz, City Clerk



Internal Memo

June 10, 2020

TO: Mark Meyers, City Administrator

FROM: Ted Woodcock, Planning and Zoning Administrator TSW

SUBJECT: Temporary outdoor seating for restaurants

Following, please find comments regarding temporary outdoor seating for restaurants

SUMMARY

Due to the COVID-19 pandemic, the Governor has placed restrictions on dine-in restaurants. Per Executive Order #2020-114 that was issued on June 5, 2020 from Governor Whitmer, the Executive Order allows for restaurants to re-open with specific guidelines in regards to capacity, location of temporary outdoor seating, liquor laws, and more. City staff has received outreach from two (2) local restaurants about what the City is requiring for temporary outdoor seating approval. I researched other Michigan communities to gather information on what standards they are applying for temporary outdoor seating.

PROCEDURE

- Completed application and \$25 processing fee
- Site plan that shows the following: seating areas, aisle widths, fencing/barriers, customer ingress/egress, customer ID checking area, parking areas (must show # of spots and # of spots being used for temporary outdoor seating area), barrier free parking spots, and any other structures including tents. More information may be required by City staff to ensure the safety and compliance with local ordinances and state laws.
- A Liquor Control Commission permit is required prior to opening the outdoor seating area if alcohol will be served. A plan must be submitted to ensure no alcohol sales to minors.
- Building permit for a tent or other structure, if applicable.
- Fire and Building inspections.

STANDARDS

I believe that we can be flexible with restaurant owners when it comes to temporary outdoor seating. The lack of a walkable downtown area in the City would make centralized standards not appropriate as it could create unequal standards for smaller restaurants.

Standards to consider when reviewing the temporary outdoor storage are as follows:

- The outdoor seating area should have adequate distance for parties to be seated at minimum six (6) feet from one another. The aisle should be three (3) feet in width.
- Parking: based on the minimum number of spots allowed per City Ordinance, at least 75% of the permitted minimum amount shall remain open and usable. The number of barrier free parking spaces are based on Michigan Building Code 2015 edition. The number of barrier free spots shall remain the same. If any spots are being used for temporary outdoor seating, those spots must be moved to another location on the property and accessible.
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