

CITY OF EAST LANSING

CITY COUNCIL

RESOLUTION

2020-10

A RESOLUTION TO EXTEND THE AUTHORIZATIONS
PERMITTED IN POLICY RESOLUTION 2020-4 UNTIL
MARCH 14, 2020

WHEREAS, pursuant to Sec. 50-36(k) of the East Lansing City Code, the Planning and Zoning Official may administratively approve certain modifications to previously approved site plans; and

WHEREAS, a worldwide pandemic has caused the Governor to issue a series of executive orders which resulted in a number of restaurant businesses within the City of East Lansing to close or partially close; and

WHEREAS, the Governor's executive orders have since been rescinded; and

WHEREAS, many of the Governor's rescinded executive orders have been replaced by a series of Epidemic Orders issued by the Michigan Department of Human Health Services (MDHHS); and

WHEREAS, the Epidemic Orders issued by MDHHS limit capacity of food service establishments to 50% of normal seating capacity and requires social distancing and the wearing of masks; and

WHEREAS, the Ingham County Department of Health has issued a series of Emergency Orders that limits capacity to 50% or 125 persons, whichever is less, and requires social distancing and the wearing of masks; and

WHEREAS, the State has made modifications to its rules regarding outdoor drinking districts to permit restaurants to expand their service to outdoor areas in an expedited manner; and

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WHEREAS, Council Policy Resolution 2014-5 governs the use of the City's right-of-ways for outdoor seating, sales and service; and

WHEREAS, certain modifications of the application process and approval set forth in Council Policy Resolution 2014-5 are necessary during this time in order to expedite the process for those proposals that will be within the City's right-of-ways; and

WHEREAS, the City Council of the City of East Lansing has determined that a fee reduction for licenses for the use of the public right-of-way as established by Council Policy 2014-5 is also important for said relief for City of East Lansing restaurants; and

WHEREAS, the City Council of the City of East Lansing adopted Resolution 2020-4 to allow administrative approval by the City's Planning and Zoning Official of temporary site plan modifications to permit the establishment or expansion of outdoor service areas under certain conditions through November 1, 2020; and

WHEREAS, the current outdoor seating season is from March 15, 2020 through November 15, 2020; and

WHEREAS, the City Council of the City of East Lansing has determined that an extension of Resolution 2020-4 and the 2020 outdoor seating season to include the winter months between November 15, 2020, to March 14, 2021 is further necessary to support the City's effort to safely support local businesses during these time.

NOW, THEREFORE, BE IT RESOLVED that the City Council for the City of East Lansing interprets Sec. 50-36(k) of the East Lansing City Code to allow administrative approval by the City's Planning and Zoning Official of temporary site plan modifications to permit the establishment of or expansion of outdoor service areas for the 2020 outdoor seating season

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through March 14, 2021 under the following conditions:

1. Fifty percent of the current capacity and the capacity added by the modified site plan may not exceed the current capacity limits under any Pandemic Order or Emergency Order issued by public health officials.
2. There must be a license for the restaurant to use any property that is not currently on its site.
3. If the proposed expansion is in a parking area, the number of required parking spaces provided on that site shall be reduced by no more than 25%.
4. If alcohol is to be served in the added service area, the restaurant must be in compliance with MLCC licensing and regulations.
5. The modified site plan must include a snow removal plan approved by the Department of Public Works.
6. The use of outdoor heating elements must be in compliance with the Fire Code and any other applicable codes.
7. Any modified site plans previously approved through November 1, 2020 pursuant to Policy Resolution No. 2020-4 shall be deemed continuously approved from November 1, 2020 through March 13, 2021. The modified site plan reverts to the original site plan on March 14, 2021.
8. The application for a modified site plan pursuant to this resolution must be in compliance with the City Code.
9. The fee for such an application shall be temporarily eliminated until March 14, 2021.

BE IT FURTHER RESOLVED, the Planning and Zoning Official may refer any application to City Council. Additionally, an applicant for a modified site plan may request approval by City Council in the event the application is not approved by the Planning and Zoning Official. The

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application shall be referred directly to Council rather than go to the planning commission.

YEAS:

NAYS:

ABSTAIN:

RESOLUTION DECLARED ADOPTED.

Dated: November 10, 2020

Jennifer Shuster, Clerk

Approved as to form:

Michael Homier, City Attorney
City of East Lansing

CERTIFICATION

I, the undersigned duly qualified and acting Clerk of the City of East Lansing (the "City"), do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City at a regular meeting held on November 10, 2020, the original of which is on file in my office, and that public notice of said meeting was given pursuant to and in compliance with Act 267, Public Acts of Michigan, 1976, as amended.

Dated: November 10, 2020

Jennifer Shuster, Clerk