

**CITY OF EAST LANSING
EAST LANSING CITY COUNCIL**

POLICY RESOLUTION 2023-4

**A RESOLUTION TO PERMIT THE PLANNING AND ZONING OFFICIAL TO
TEMPORARILY MODIFY SITE PLANS ADMINISTRATIVELY WITH REGARD TO
OUTDOOR SERVICE AREAS**

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 resulted in a number of restaurant businesses within the City of East Lansing to close or partially close; and

WHEREAS, the City Council of the City of East Lansing adopted Resolution 2022-4 to allow administrative approval by the City's Planning and Zoning Administrator for temporary site plan modifications to permit the establishment or expansion of outdoor service areas under certain conditions through November 15, 2022; and

WHEREAS, the City Council of the City of East Lansing has determined that reinstating the provisions of Policy Resolution 2022-4 as a new Policy Resolution is necessary to support the City's efforts to support local businesses during these times.

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 Administrator for temporary site plan modifications to permit the establishment of or expansion of outdoor service areas for the 2023 outdoor seating season through November 15, 2023 under the following conditions:

1. Capacity added by the modified site plan may not exceed either a) the current capacity limits of any approved site plan or b) under any Pandemic Order or Emergency Order issued by public health officials.
2. The restaurant must seek and be granted approval of a right-of-way license to use any public or private property that is not currently on or a part of 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 use of outdoor heating elements must be in compliance with the Fire Code and any other applicable codes.
6. The modified site plan reverts to the current approved or modified site plan unless otherwise approved by City Council upon the expiration of Policy Resolution 2023-4
7. The application for a modified site plan pursuant to this resolution must be in compliance with the City Code.

8. The \$250 Site Plan modification application fee shall be temporarily waived until November 15, 2023 or until such time that Council determine it is appropriate to reinstate fees for such purposes.
9. Approval of a temporary expansion of outdoor seating area may be revoked at any time for violations of City Code.

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 application shall be referred directly to Council rather than be sent to the Planning Commission.

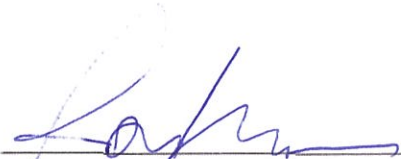
Yeas: Bacon, Gregg, Watson

Nays: Brookover, Garcia

Absent: None

RESOLUTION DECLARED ADOPTED

Dated: March 22, 2023

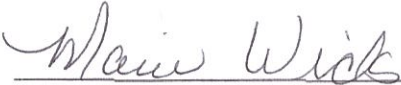


Mayor Ron Bacon

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 March 21, 2023, 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: March 22, 2023



Marie Wicks, Interim City Clerk
City of East Lansing
Ingham and Clinton Counties, Michigan

Approved as to form:



Anthony Chubb, Esq.
East Lansing City Attorney