



City of Madison Heights, Michigan

City Hall Municipal Offices
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Department of Public Services
300 W. Thirteen Mile Road
Madison Heights, MI 48071

Fire Department
31313 Brush Street
Madison Heights, MI 48071

Police Department
280 W. Thirteen Mile Road
Madison Heights, MI 48071

www.madison-heights.org

Business Support – Outdoor Seating and Sales EFFECTIVE – June 8, 2020 ENDS – October 31, 2020

On June 8, 2020, City Council passed a resolution to help the restaurants, bars and retailers of the City of Madison Heights. The resolution temporarily lifts some Zoning Ordinance regulations regarding the use of outdoor space for use as outdoor seating and sales as well as some of the restrictions on temporary signs.

What does the resolution allow?

- Bars, restaurants and retailers may utilize up to 30% of their required parking spaces or privately owned sidewalks (not public sidewalks) for outdoor seating or sales areas.
- Temporary signage may be allowed up to 25% or less of a storefront width or 100 sq. ft., whichever is less.
 - Example – storefront length is 100 lineal feet = temporary signage may not exceed 25 sq. ft.
 - Minimum size of signage regardless of store frontage may be up to 16 sq. ft.
 - No moving signs allowed. This includes, but is not limited to, inflatable moving advertisements or advertising flags such as “feather flags.”

What other regulations may apply?

- Any Oakland County Health Department requirements must still be met.
 - Outdoor kitchens and food preparation areas are prohibited.
 - The amount of seating at a bar or restaurant must not exceed the total amount allowed under the maximum capacity permitted in the establishment. 50% of the seating may be inside the building and 50% may be in the expanded outdoor space to allow adequate social distancing.
- All Building and Fire Codes are still fully enforced.
 - Emergency vehicle access and fire lanes must be maintained.
 - You can have outdoor seating with an umbrella similar to what you may use in a residential back-yard on your patio or deck. This type of activity does not require a permit or an inspection from the City.
 - If you put up a tent that is 120 sq. ft. in size or larger, then a building permit is required and the Building Official and Fire Marshal will review plans and conduct an inspection.
 - Depending on the type of lighting or electrical service you use in a tent may require an electrical permit which can be determined by the building official.
- Liquor Licensing.
 - Any outdoor spaces where alcohol is served will require a 36-inch barrier that clearly defines the outdoor space where alcohol service is provided.
 - A temporary permit to expand in to the outdoor space may be required depending on the type of liquor license you have. For more information, please visit www.michigan.gov/lara or contact the Michigan Liquor Control Commission at (866) 813-0011

Area Code (248)

Active Adult Center.....	545-3464	Finance	583-0846	Nature Center	585-0100
Assessing	858-0776	Fire Department.....	588-3605	Police Department.....	585-2100
City Clerk.....	583-0826	43rd District Court.....	583-1800	Purchasing.....	583-0828
City Manager	583-0829	Human Resources.....	583-0828	Recreation.....	589-2294
Community Development	583-0831	Library	588-7763	Water & Treasurer	583-0845
Department of Public Services.....	589-2294	Mayor & City Council.....	583-0829		

RESOLUTION No. _____

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, MICHIGAN,
AUTHORIZING THE CITY MANAGER TO ISSUE ORDERS IMPLEMENTING TEMPORARY
WAIVERS OF CERTAIN ZONING REGULATIONS TO SUPPORT BUSINESSES THAT HAVE
EXPERIENCED HARDSHIPS DUE TO COVID-19.**

WHEREAS the novel coronavirus (COVID-19) is a respiratory disease that is caused by a new strain of coronavirus not previously identified in humans and easily spread from person to person;

WHEREAS on March 10, 2020 the spread of COVID-19 resulted in Governor Gretchen Whitmer declaring a State of Emergency under Section 1 of Article 5 of the Michigan Constitution of 1963, the Emergency Management Act, 1976 PA 390, as amended, and the Emergency Powers of the Governor Act, 1945 PA 302, as amended, as evidenced in Executive Order 2020-4;

WHEREAS, on March 16, 2020, Michigan Governor Gretchen Whitmer issued Executive Order number 2020-9, closing bars, restaurants, gyms and cafes to the public and limiting food establishments to carryout business only;

WHEREAS, on March 24, 2020, Governor Gretchen Whitmer executed Executive Order 20-21, which constituted the first stay at home order, ordering non-essential businesses closed and all businesses to institute and maintain social distancing policies;

WHEREAS, on June 1, 2020, Governor Gretchen Whitmer executed Executive Order 20-110, which allowed for the reopening of retailers and restaurants and bars;

WHEREAS the City of Madison Heights is committed to encouraging economic activity and assisting local businesses impacted by the COVID-19 pandemic to ease back into operation while containing the spread of COVID-19;

WHEREAS, all levels of government have urged the public to adhere to aggressive social distancing;

WHEREAS, in order for the City of Madison Heights to do its part in the reopening of Michigan's economy and adhere to social distancing, the City Council finds it appropriate to authorize the City Manager the authority to issue temporary waivers to certain local regulations in order for Madison Heights businesses to maximize the effectiveness of the Governor's relaxation of the previously imposed COVID-19 restrictions and maintain the best public health practices.

SECTION 1. Upon the opening of bars and restaurants by Executive Order by Governor Whitmer of the State of Michigan, the City Manager is hereby delegated the power and authority to issue temporary waivers of restrictions in the Code of Ordinances that impose limits on the use of outdoor portions of commercial property for dining or service, including provisions that prohibit the use of private parking lot spaces with the following provisions:

1. Bars and restaurants may expand their outdoor dining area to utilize up to 30% of their required parking;
2. This resolution shall also serve as municipal permission to allow expanded outdoor consumption of alcoholic beverages in compliance with any of the Michigan Liquor Control Commission rules and regulations.

SECTION 2. Upon the opening of retail services by Executive Order by Governor Whitmer of the State of Michigan, the City Manager is hereby delegated the power and authority to issue temporary waivers of restrictions in the Code of Ordinances that impose limits on the use of outdoor portions of commercial property for retail services, including provisions that would prohibit the use of private parking lot spaces with the following provisions:

1. Retail establishments may reconfigure their private parking lots and private sidewalks to accommodate retail uses that may utilize drive-up services for customers pick-up;
2. Retail establishments may utilize up to 30% of required parking spaces in private parking lots and private sidewalks for outdoor sales area;

SECTION 3. All existing and expanded outdoor dining or sales areas are required to alter the design and layout of tables, chairs, fixtures and enclosure systems to meet social distancing guidelines in effect and contain the spread of COVID-19 as follows:

1. Reconfigure the layout of the entire outdoor dining area, to the maximum extent practical, to provide a minimum 6' clear pedestrian walking path adjacent to the dining area;
2. Reconfigure tables and chairs to allow seating for patrons only in accordance with social distancing guidelines in effect;
3. Remove all previously approved chairs and other seating that does not meet social distancing guidelines;
4. Any fixtures or shelters used for the sale or display of merchandise must be configured to allow for a minimum 6' pedestrian walking path;
5. Install temporary signage to encourage compliance with social distancing guidelines;
6. Provide a temporary hand sanitizing station adjacent to the outdoor dining area; and
7. Provide a temporary service station outdoors that includes a trash receptacle and disinfecting wipes or other supplies for the cleaning of tables and chairs between patrons and of high touch points in the outdoor dining area.

SECTION 4. All bars and restaurants and retail commercial businesses in existence as of the date of this resolution that hold a valid Business License with the City of Madison Heights will be permitted to post temporary signage relating to hours of operation, pick-up and delivery services and specials offered during the COVID-19 pandemic through October 4, 2020, if the following requirements are met:

1. Total Temporary signage may not exceed the lesser of 100 square feet in size or 25% or less of the storefront width;
2. Signage required under Executive Orders issued by the Governor does not count toward the total temporary signage amount permitted;
3. No signage may be placed so as to obstruct safe travel in the public right-of-way;
4. No signage may be placed in the public right-of-way;
5. No signage may be placed so as to obstruct a minimum 3' of width for clear and unobstructed ingress and egress to all required entrances/exit;
6. Signs must be constructed of durable material and kept in good repair;

SECTION 5. The City of Madison Heights will waive all application fees, license and/or rental fees for the temporary use of outdoor public or private property permitted by this resolution.

SECTION 6. Except as herein specifically provided, all ordinances of the City of Madison Heights in effect at the time of the issuance of this resolution, and as they may be subsequently amended, shall remain in force. Failure to comply with all the ordinances of the City may result in enforcement action and/or termination of an existing Business License or Special Use Permit.

SECTION 7. This Resolution and the authority granted herein shall be effective through October 4, 2020, unless terminated earlier by action of the City Council.

SECTION 8. This Resolution and the authority granted herein may be extended, expanded and renewed by subsequent action of the City Council.

SECTION 9. This Resolution shall become effective immediately upon its execution and upon an executive order by Governor Whitmer reopening restaurants, bars and retail operations.

SECTION 10. That all resolutions or parts of resolutions are, to the extent of any conflict with this resolution, rescinded until this resolution expires on October 31, 2020. Any Should any section, clause or phrase of this Resolution be declared by the Courts to be invalid, the same shall not affect the validity of this Resolution as a whole nor any part thereof other than the part so declared to be invalid.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MADISON HEIGHTS, AS FOLLOWS:

AYES:

NAYS:

RESOLUTION DECLARED ADOPTED.

Clerk