

# CITY COMMISSION POLICY

<b>GRAND RAPIDS</b>  <b>MICHIGAN</b>	<b>NUMBER: 900-60</b>	<b>HISTORY</b>	
		File #	Date
	<b>DATE: September 29, 2020</b>	91151	October 12, 2021
	<b>FILE NUMBER: 90254</b>		
	<b>DEPARTMENT: Planning</b>		

**SUBJECT:** **POLICY FOR ALLOWING CERTAIN TEMPORARY OUTDOOR USES AND STRUCTURES ON PRIVATE PROPERTY WITH AN EXPEDITED REVIEW AND APPROVAL PROCESS**

**PURPOSE:** The Coronavirus Disease 2019 (COVID-19) has created unprecedented challenges for government, citizens, and businesses. To assist local businesses in the road to economic recovery and to mitigate some consumers’ concerns, the City Commission desires to expedite the approval process for the use of outdoor service areas as an accessory use to a corresponding business desiring to offer those services on the properties controlled by the business.

**POLICY:** The following is the Policy of the City Commission with respect to Temporary Outdoor Uses and Structures on private property with Private Property Event Permits and an Expedited Administrative Approval.

General

There is hereby established a Policy regarding the area, structures, and placement of certain outdoor business activities that are to be permitted in business areas within Mixed Use Commercial Zone Districts for a limited period of time. These uses shall be treated with expedited administrative approvals for outdoor accessory services such as food or beverage services or other outdoor service areas as an accessory use to a corresponding business and further, uses or activities that may have required Planning Commission or other approvals required by the Zoning Ordinance, should be temporarily suspended.

Objectives

1. Permit expedited administrative approvals by the Planning Director for certain business activities and structures that would otherwise be permitted under Federal or State orders and regulations; and
2. Define the area, structures, and placement of permitted activities; and

3. Describe certain requirements pertaining to applications for the administrative approval process; and
4. Define responsibility for installation requirements, insurance coverage, maintenance, storage, and removal of structures and accessory seating, tables and other similar fixtures.

#### General Requirements

1. This Policy allows for the establishment of certain temporary uses or events, provided that the uses are otherwise permitted by the City of Grand Rapids Zoning Ordinance. And further that the administrative approvals shall expire by November 1, 2022, including a ten-day transition period following the expiration. Further time may be granted by the Planning Director where there are complications in restoring the property beyond the control of the applicant.
2. This Policy shall be subject to renewal by the City Commission and remain in effect for the prescribed uses and a new expiration date assigned by the Commission.
3. Any approvals granted under this Policy shall not be considered as equivalent to otherwise required approvals as set forth in the Zoning Ordinance and shall not be construed to create any approval or permanent zoning rights, nonconforming rights or status and is expressly of a temporary nature as set forth by this Policy.
4. Nothing in this Policy shall be interpreted or construed to permanently modify in any manner the City's zoning and land use regulations and requirements.
5. Except as required by the Building Code, and unless any modifications are made, approvals granted prior to October 31, 2021 shall automatically extend through November 1, 2022 and that no new permits are required.

#### Applications

1. The Planning Director may issue a permit for temporary structures and uses based upon receipt of a permit fee as applicable and a complete application, including:
  - a. A scaled site plan, showing building locations, use areas, assigned parking areas and other relevant information.
  - b. A written statement demonstrating compliance with the requirements of this Policy; including proposed hours of operation.
  - c. A written statement generally describing the impact of the State of the Emergency on the particular business activity on the viability of the business, employment effects, and other relevant information noting the necessity of the temporary use approval.
  - d. Written permission of the owner(s) for the property, if not the applicant.
  - e. Any other materials required by the Planning Director for specific uses, structures, activities, and events.
2. In addition to the temporary use permit, the following permits are required as needed.

- a. Private Property Event Permit. Any structures or activities planning to use private property for business activities under this Policy shall require a private property event permit from the Planning Department.
  - b. Any permit and Fire Code approval shall be required where the temporary use includes a tent or other similar covering.
  - c. Permit and inspection fees shall be as set by resolution of the City Commission.
3. The Planning Director may attach conditions to the permit that would minimize disturbance to and compatibility with the area and surrounding land uses, and/or protect the public health, safety and welfare.
4. This Policy shall be in addition to any other applicable local, state or federal regulations. If there is any inconsistency between this Policy and another applicable regulation, the more restrictive regulation shall govern to the extent allowable by law.

#### Activities and Uses

1. Activities permitted may include outdoor:
  - a. Retail sales.
  - b. Physical fitness uses.
  - c. Seating in parking areas and other areas within the property.
  - d. COVID vaccine and testing drive-through facilities
  - d. Tents and other similar structures used for occupancy/weather conditions with the Planning Director's approval of structures and materials where described in the Zoning Ordinance for the structure.
  - e. Other similar activities and structures as permitted by the Planning Director through this Policy.
2. All outdoor activities shall cease no later than 10:00 p.m. on Sunday through Thursday; and 11:00 p.m. Friday through Saturday.
3. No outdoor amplification or speakers shall be used, unless permitted by the Planning Director when it is determined that no residential uses would be adversely affected. The location for outdoor music shall be no nearer than twenty feet from the border of the activity area.
4. A temporary sign, not to exceed eight square feet shall be permitted to identify the outdoor service area. Up to two incidental signs not exceeding two square feet required to identify mask and social distancing requirements may also be permitted.

#### Placement

1. Except as noted in 2, below, the uses and activities covered by this Policy shall be limited to private property owned or controlled by the applicant (or with the written permission of the owner) and within one-hundred feet of the principal use, within the same Zone District, and not take place in any public spaces or rights-of-way.

2. If used, the activities or structures shall be placed so as to not impede pedestrian movement, shall not inhibit the use of driveways not under the control of the applicant, or shall maintain proper sight distances for either vehicles or pedestrians.
3. Activity areas may take up required parking spaces if desired by the owner.
4. Use areas shall be delineated by temporary fencing, rope barriers, or other similar features intended to contain areas of activity.
5. No structures or fixtures shall interfere with any other property not under control of the applicant. A minimum setback of five (5) feet shall be maintained from any rear and sides property lines. For properties abutting any residential use, a minimum of a twenty-foot (20) setback from the border of the activity area shall be maintained.

#### Upkeep and Maintenance

1. All outdoor fixtures (chairs, tables, heaters, etc.) shall be placed in a secure area following closing. Trash and other debris shall be removed at the end of each operating day.
2. Sanitary facilities, either portable or permanent, shall be made available to all employees, attendants and participants during hours of operation. If portable, they shall be maintained to minimize odors and to remain fully functional. A minimum of a twenty-foot setback from the border of the activity area shall be maintained for these facilities.
3. Within twenty-four (24) hours of the expiration of the temporary permit all evidence of the outside uses and activities shall be removed from the premises unless additional time is needed and granted by the Planning Director.
4. Any outdoor electrical cords or outlets shall meet the requirements of the City Electrical Inspector or Building Official.

#### City Manager Modifications

Requirements of this Policy may be modified by the City Manager and/or their designee where no detriment to neighboring properties would be created and it is clearly demonstrated that due to lot configuration or other site-related issue that the requirements of this Policy cannot be met.