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Superintendent of Building
Division
Jeffrey M. Polkowski, AICP
Superintendent of Planning &
Zoning Division

MEMORANDUM

Date: June 3, 2020

To: Honorable Township Board Members

From: Jeffrey Polkowski, Superintendent of Planning and Zoning

RE: Resolution Allowing Temporary Uses Due to COVID-19 States of Emergency,
Orders, and Related Hardships

Attached for your review and consideration, please find a proposed Resolution.

The intent of this Resolution is to provide relief to Waterford Township's business owners and their patrons due to the hardships imposed by the COVID-19 pandemic.

This Resolution would permit Restaurant Establishments to temporarily expand their dining areas and permit Personal Grooming Establishments, to provide personal services outside, once they are permitted to operate by the State of Michigan.

This would allow for a temporary 25-50% increase in table capacity for Restaurant Establishments. For example, a restaurant with 8 interior tables could request 2-4 additional tables outside, or a restaurant with an approved Special Use and Site Plan for 4 outdoor tables could temporarily request 1-2 additional tables outside.

Once Personal Grooming Establishments are permitted to operate by the State of Michigan, this Resolution would allow for them to temporarily operate outdoors at a 25%-50% capacity as well. For example, a barber shop with 8 chairs, would be allowed to erect a temporary tent and provide 1-4 chairs outside.

The Resolution would also allow for a temporary reduction of parking for these establishments, with the logic that there will be fewer patrons in attendance due to the State of Michigan Executive orders involving the COVID-19 pandemic. For example, a restaurant operating at 50% capacity, would only be required to temporarily provide 50% of their parking requirements. This temporary parking relief would allow business owners to establish their outdoor operations in temporarily underutilized parking spaces during the pandemic.

**With us there are no
boundaries**

Both Restaurant Establishments and Personal Grooming Establishments must must comply with the provisions of all current and future Executive Orders of the Governor regarding the reopening of the business, social distancing, protective clothing or equipment, party size, occupancy requirements, and any other applicable standards, conditions, or requirements.

Business owners are to obtain an application and fee requirements from the Development Services Department. Once a complete set of application materials is received, the Zoning Official shall conduct a review to ensure compliance and shall approve an application that meets all standards, conditions, and requirements for a time period that does not extend beyond the expiration of this Resolution. Temporary expansion of Restaurant Establishment's dining area and Personal Grooming Establishment outdoor stations would be permitted April-October within a calendar year. Applicants would need to re-apply annually, should the pandemic continue.

Upon your review, if you have any questions or require further information, please contact this office.

**CHARTER TOWNSHIP OF WATERFORD
OAKLAND COUNTY, MICHIGAN**

**RESOLUTION ALLOWING TEMPORARY USES DUE TO COVID-19 STATES OF
EMERGENCY, ORDERS, AND RELATED HARDSHIPS**

RECITALS:

A. On March 23, 2020, the Board of Trustees declared that there was a Local State of Emergency in the Township due to the coronavirus, COVID-19 State of Emergency already declared by the President of the United States, Governor of the State of Michigan, Oakland County Executive, and Township Supervisor.

B. The Executive Orders that have been and are expected to be issued by the Governor directed the closure and allowed or will allow the reopening of various businesses including restaurants and personal grooming establishments.

C. In adopting this Resolution, the Board of Trustees intends and is attempting to assist restaurants and personal grooming establishments (haircuts, basic hair grooming services, manicures, pedicures, etc.) in reopening for business by permitting restaurants to temporarily expand their dining areas and personal grooming establishments to provide services in outdoor areas as a means to help them deal with the hardships imposed by the COVID-19 pandemic.

IT IS THEREFORE RESOLVED that during the period this Resolution is in effect, Restaurants and Personal Grooming Establishments may provide services in outdoor areas subject to and only in compliance with the following standards and procedures:

1. Must comply with the provisions of all current and future Executive Orders of the Governor regarding the reopening of the business, social distancing, protective clothing or equipment, party size, occupancy requirements, and any other applicable standards, conditions, or requirements.
2. Provisions contained herein would allow for:
 - a. 25-50% increase in table capacity for Restaurant Establishments
 - b. 25-50% increase in chair/station capacity for Personal Grooming Establishments
 - c. 25-50% reduction in parking requirements for both Restaurant Establishments and Personal Grooming Establishments
3. Standards for Temporary Approval for outdoor dining spaces for Restaurant Establishments and outdoor stations for Personal Grooming Establishments include:
 - a. Temporary expansion of Restaurant Establishment's dining area and Personal Grooming Establishment outdoor stations would be permitted April-October within a calendar year. Applicants would need to re-apply annually.

- b. These uses must be operational in conjunction with an interior business of the same function and on the same property
- c. To be located outside of the establishment on designated hard surfaced or parking areas.
- d. Business must possess a valid Certificate of Occupancy and any required Business License at the time of application.
- e. Applicant must obtain permission from property owner and must verify, in writing, the current number of tables or chairs/stations to determine number of exterior tables or chairs/stations permitted.
- f. Unless otherwise specified by the State of Michigan, tables, chairs, and grooming stations must be placed so that patrons are at minimum 6 feet away from other patrons.
- g. Must comply with all applicable Fire Department and Code regulations and requirements, including approval for outdoor tents, to ensure Fire Department access is not impeded.
- h. Must comply with all State and County Department of Health regulations.
- i. Must comply with the Michigan Building Code.
- j. Any tents or canopies must be securely anchored down and obtain the appropriate permits from the Fire and Development Services Departments.
- k. Outdoor seating must not impede or otherwise impact ingress or egress to any buildings or the property. Seating areas and pathways must also comply with State of Michigan Barrier-Free and Federal ADA requirements.
- l. The outdoor dining space or personal service station must be separated from sidewalks and driveways. If tables or chair/stations are located within a parking space or area, a substantial, temporary physical barrier must be placed separating the dining from the remaining parking in a manner that keeps patrons safe from traffic. Temporary physical barriers may include, but are not limited to, wheel chocks, planter boxes, decorative fencing, platforms, etc., or a combination thereof.
- m. Temporary outdoor uses cannot occupy existing required vegetative buffers or open space.

- n. All temporary outdoor dining areas and personal service stations must be maintained in a clean and orderly manner.
 - o. No outdoor seating may occupy any portion of public sidewalk or right-of-way.
 - p. Hours of operation would be consistent with the current hours of operation with the existing business (unless restricted further by State Executive orders).
 - q. Any nuisances (including, but not limited to, noise, parking issues, etc.) that arise from Temporary Approvals must be mitigated by the applicant and/or property owner to eliminate all negative impacts on surrounding properties. Failure to do so could result in revocation of Temporary Approval, in which case all exterior appurtenances are required to be removed within 7 days of revocation.
4. Submission and review Process:
- a. The applicant(s) obtains an application and plan review and fee requirements from the office of the Zoning Official.
 - b. The applicant(s) submits the fee; completed application forms, including a written statement describing the requested temporary use, the start- and end-dates of the event, a written description of traffic/parking management, waste disposal, security, and similar measures to minimize any negative land use impacts; a copy of the existing approved final site plan or plot plan for applicant(s)s where no final site plan exists for the subject zoning lot; and related documentation in the quantity specified by the Zoning Official.
 - c. The Zoning Official's clerical staff reviews submittal for completeness. It shall be the responsibility of the applicant(s) to ensure that they submit a complete application package in accordance with the requirements established by the Zoning Official. No progress beyond this step will occur until the applicant(s) fully complies with the application submittal requirements.
 - d. Once a complete set of application materials is received, the Zoning Official shall conduct a review to ensure compliance with this Resolution.
 - e. The Zoning Official shall notify the applicant(s) of any revisions required to for the application to be approved. The applicant(s) shall be responsible for making those revisions.
 - f. The Zoning Official shall approve an application that meets all standards, conditions, and requirements of this Resolution for a time period that does not extend beyond the expiration of this Resolution.

5. This Resolution shall be in effect from its adoption through October 31, 2020, after which any approvals under this Resolution shall expire. By subsequent Resolution, the Board of Trustees may extend the period this Resolution is in effect.

CERTIFICATION

I hereby certify that this Resolution was adopted by the Charter Township of Waterford Board of Trustees at a regular meeting on June 8, 2020.

Charter Township of Waterford

Date

Kimberly F. Markee, Township Clerk

June 3, 2020
Waterford Township Board of Trustees
5200 Civic Center Dr.
Waterford Township, MI 48327

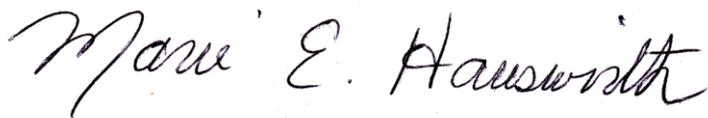
Dear Honorable Trustees,

On behalf of the Waterford Area Chamber of Commerce, I would like to express support for the *Resolution Allowing Temporary Uses Due to COVID-19 States of Emergency, Orders, and Related Hardships* that is under consideration.

The unexpected severity of the pandemic and the measures enacted have caused substantial distress to many businesses here in the community, region, and across the nation. With the Executive Orders relaxing restrictions, it is important for everyone to make every effort to support the local economy.

This resolution provides an opportunity for the many businesses that have suffered so severely to have an opportunity mitigate their own hardships as well as bring back many from the local workforce that have been left without means and opportunity for work.

Our mission at the Chamber has been to support the vitality and sustainability of the local economy and preservation of jobs. This resolution would provide a stabilizing factor and aid in the recovery for the service industry that has long served this community.



Marie Hauswirth
Executive Director
Waterford Area Chamber of Commerce