



TEMPORARY OUTDOOR SEATING FOR RESTAURANTS PERMIT APPLICATION INFORMATION June 2020

The City of Mason wishes to support businesses looking for ways to re-open safely in accordance with the Governor's Executive Orders. On June 1, 2020, City Council adopted Ordinance 229 which temporarily suspends certain requirements of the City's ordinance to allow for expedited approvals of Temporary Outdoor Seating for Restaurants. For those looking to expand services on their property either in the open yards or parking areas, below are the permit applications requirements for this type of use on **public or private property**.

1) **Submit the attached Temporary Outdoor Seating Application** This is a type of Zoning Permit for Administrative Site Plan Review and **the fee is \$70**. Please review the application checklist below to make sure your submittal is complete to avoid delays.

2) **Your plan will be reviewed** by Zoning, Building, Police, and Fire to ensure all requirements for approval are met. Anticipated review time is 3-5 business days for complete applications. Incomplete applications may experience delays. Staff may request additional information as necessary to make a determination regarding approval.

3) If approved, we will issue you a letter of approval and **you are ready to go!** For those serving alcohol and food, please contact the State and County agencies for additional requirements. The Michigan Liquor Control Commission (MLCC) has announced a streamlined approval process for outdoor service. See the MLCC resources page for more information: <https://bit.ly/MLCCResources>.

APPLICATION CHECKLIST:

- Application fee of \$70
- Permission from Property Owner: If a restaurant owner or operator does not own the property or space, a letter from the property owner/landlord acknowledging approval to create the outdoor dining area must be obtained. See Property Owner Affidavit (Private) or Use of Public Space Application (Public).
- Seating Plan: Submittal of a diagram showing the location of the outdoor dining area and the arrangement of seating, trash receptacles and lighting that meets the General Standards stated in **Sec. 94-173(j)(1)** of the City Ordinance for *Outdoor food and drink service areas*. Adequate distance for parties to be seated at least six feet from one another and provide aisles at least three feet wide to navigate the seating area is required.
- Barricading: The outdoor dining area, particularly those proposed in parking lots, must be designed to provide protection and clearly demarcate customers and staff from motor vehicles.
- Emergency Egress: Any outdoor seating area will need to be served by at least one clearly marked and unrestricted emergency access route out of the space.
- Fire Extinguisher: At least one fully functioning fire extinguisher must be present in the outdoor dining area.
- Signs: All signage must meet the requirements of the City Ordinance Chapter 58 Signs.

CITY ORDINANCES

Below are the most generally referenced applicable City Ordinances that apply to Temporary Outdoor Seating for Restaurants. Additional ordinances may apply and will be determined once your application is received.

Sec. 94-173(j) *Outdoor food and drink service areas.* It is the intent of this section to set forth the requirements for establishing outdoor food and drink service areas at a pub, tavern, or restaurant.

(1) General standards.

a. Provide a drawing to scale showing the seating plan and the layout of the outdoor dining space to be used in relation to adjacent properties and other public and private fixtures and amenities.

b. Trash receptacles shall be provided in food and drink service areas where table service is not provided. Trash receptacles shall be emptied when full and maintained in a clean and sanitary condition at all times.

c. Seating may not be placed in a way that obstructs pedestrian circulation or interferes with the opening of doors of buildings or parked vehicles.

d. An opaque fence or wall six feet in height shall be erected along all property lines abutting residentially zoned or used property.

e. Lighting shall be deflected away from abutting residentially zoned or used property.

(2) Establishments utilizing the public right-of-way shall do so only under a license granted by the city council which shall be revocable at the will of the council and shall include the following minimum standards in addition to the general standards of this section:

a. Establishments shall agree to defend, indemnify, and hold the city and its elected and appointed officers, agents, and employees harmless from all liability for damages or personal injuries resulting from any occurrence on the licensed property as a result of the establishment's use or occupancy of the public right-of-way and shall provide public liability insurance naming the city as an additional named insured in a form and with limits acceptable to the city.

b. Establishments must maintain a minimum of four feet of unobstructed sidewalk within the public right-of-way.

Sec. 58-130. Temporary and portable signs.

(5) Commercial, office, and industrial uses. One sign shall be permitted not exceeding 40 square feet in sign area and 10 feet in height above grade for up to two periods per year not exceeding 30 days in each period. No permit or fee shall be required.

(7) Sidewalk signs.

a. A sidewalk sign must be of A-frame construction with a minimum base spread of two feet and a maximum height of four feet. A sidewalk sign may not exceed eight square feet per side.

b. One sidewalk sign is permitted per establishment.

c. The sidewalk sign must be placed in front of the establishment that the sign promotes.

d. A minimum of four feet of unobstructed sidewalk must remain between the sidewalk sign and the building.

e. A sidewalk sign may not be placed in a way that obstructs pedestrian circulation, interferes with the opening of doors of parked vehicles, or interferes with snow removal operations.

f. A sidewalk sign may not be illuminated by any means and may not have any moving parts.

g. A sidewalk sign may only be in place during the business hours of the establishment that the sign promotes.

h. The person displaying the sidewalk sign must sign a document that indemnifies and holds the city harmless from any accidents, damages, or personal injuries involving the sign.

(10) Wind-blown devices such as pennants, spinners, streamers, and flags. Wind-blown devices shall be permitted not exceeding 45 days in any 90-day period. No permit or fee shall be required.

(11) Balloons, and inflatable devices. Balloons and inflatable devices shall not be permitted except during promotional sales which shall not to exceed 14 days in a 90-day period. No permit or fee shall be required.



TEMPORARY OUTDOOR SEATING APPLICATION

ZONING PERMIT—ADMINISTRATIVE SITE PLAN REVIEW
 201 W. Ash Street • Mason, MI 48854 • Phone: 517-676-9155

PERMIT FEE \$70 DUE AT TIME OF APPLICATION

Date	Permit No. (Office Use Only)
PROJECT INFORMATION	
Project Address (Street, City, State, Zip)	
Zoning District (s)	Historic District? Y or N
<p>1) Will you be using one of the following Temporary Structures? If so, a separate Building Permit is required.</p> <p>___ Tent(s) with sides (2 or more) greater than 400 square feet in area</p> <p>___ Tent(s) without sides (canopy) greater than 700 square feet in area</p> <p>2) Will you be using either/both:</p> <p>___ Private Property ___ Public Property (Please complete the Use of Public Space Application)</p> <p>3) Will the outdoor space include entertainment such as music? ___ Yes ___ No</p> <p>If yes, a Special Use Permit (Ch. 94 Art. IV) on private property and/or Sound Amplification Equipment Registration Statement on public property (Sec. 26-61) may be required.</p> <p>4) Do you plan to have special signs and/or banners? ___ Yes ___ No</p> <p>If “yes,” signs must meet the requirements of the City ordinances Chapter 58 Signs. Temporary signs on public property will also require a signed Sign Affidavit.</p> <p>5) PLEASE ATTACH ADDITIONAL DOCUMENTS AS REQUIRED IN THE APPLICATION CHECKLIST.</p>	
APPLICANT INFORMATION	
Who is the applicant? ___ Property Owner ___ Tenant/Business Owner (Please attach Property Owner Affidavit)	
Applicant Name/Address	
Applicant Phone	Email
<p>By execution of this application, the person signing represents that the information provided and the accompanying documentation is, to the best of his/her knowledge, true and accurate. In addition, the person signing represents that he or she is authorized and does hereby grant a right of entry to City officials for the purpose of inspecting the premises and uses thereon to verify compliance with the terms and conditions of any permit or approval issued as a result of this application.</p> <p>Applicant Signature _____ Date _____</p>	



TEMPORARY OUTDOOR SEATING

Property Owner Authorization

This form must be filled out if you are not the property owner of record.

I, _____, hereby authorize _____
(Property owner) (Business Owner)

to use the property for the expansion of temporary outdoor seating, and to act on my behalf to secure the necessary permits and inspections for Temporary Outdoor Seating at

_____ in Mason, Michigan.
(Address)

I understand that as the property owner I remain responsible to ensure that the use described in the permit shall be installed in accordance with all applicable local, county, state and federal laws.

Property Owner

Signature: _____ Date: _____

Address: _____

Phone: _____ Email: _____

Business Owner Affidavit and Signature

I hereby certify that the proposed use is authorized by the property owner of record and I have been authorized by the owner to make this application as his authorized agent and understand work described in the permit shall be installed in accordance with all applicable local, county, state and federal laws. I will cooperate with inspection officials and assume the responsibility to arrange for necessary and timely inspections.

Print Name: _____ Date: _____

Signature: _____

Company Name: _____

Address: _____

Phone: _____ Email: _____

SIDEWALK SIGNS INDEMNITY AGREEMENT

IN CONSIDERATION OF allowing temporary, portable sidewalk signs to be erected on the municipal public right-of-way adjacent to the undersigned premises, the receipt and legal sufficiency of which is hereby acknowledged, the undersigned, _____, being the owner or owner's legal agent of the property located at _____, Mason, Michigan, does, for itself, its employees, agents, successors, and assigns of any kind, hereby defend and indemnify and hold the City of Mason, its insurer, and their elected and appointed officers, agents, employees, successors and representatives of any kind (hereinafter collectively referred to as the "Indemnified Parties"), against any and all claims, causes of action, damages or liabilities of any kind whatsoever that may be asserted against the City of Mason on account of our sidewalk sign(s) located in the public right-of-way. This indemnity agreement shall also include any and all costs, legal fees and other expenses associated with or arising out of claims, causes of action or liabilities as a result of or relating to any such sidewalk signs. This indemnity agreement specifically includes all claims against the Released Parties for physical injuries or "non-economic damages" as defined by subsection 16(f) of 1964 PA 170, MCL 691.1416(f).

THE UNDERSIGNED HEREBY DECLARES THAT IT HAS READ THE TERMS OF THIS INDEMNITY AGREEMENT AND THAT IT FULLY UNDERSTANDS AND VOLUNTARILY ACCEPTS AND SIGNS THIS INDEMNITY AGREEMENT.

Dated this ____ day of _____, _____.

(Witness)

(Indemnitor)

(Typed or Printed Name)