



500 West Big Beaver  
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## CITY COUNCIL AGENDA ITEM

Date: September 17, 2020

To: Mark F. Miller, City Manager

From: Robert J. Bruner, Assistant City Manager  
R. Brent Savidant, Community Development Director

Subject: TEMPORARY ENCLOSURES – A Resolution to Permit Temporary Enclosures to Expand Seating Capacity during COVID-19

Impacts of the coronavirus and the steps taken by the Governor of Michigan to protect residents from the coronavirus have negatively impacted businesses in the City of Troy. Specifically, capacity limitations have affected revenue for restaurants and other businesses. This item was initiated based on feedback from Troy restaurant owners who seek additional indoor seating during colder months when their patio areas are no longer usable due to cold, rain and snow.

Presently, Chapter 39 Zoning Ordinance permits temporary enclosures but has strict provisions related to duration and hours of operation (Section 7.13). Furthermore, the provisions require that temporary enclosures are permitted during periods of construction or for special events (Section 7.14). These provisions make it impossible for business owners to use temporary enclosures for the entire fall, winter and spring season when their outdoor patio is not usable. The resolution directs City Administration to not enforce provisions related to hours of operation and duration for temporary enclosures and the requirement that temporary enclosures are permitted during periods of construction or for special events.

We are not proposing to amend Chapter 39 at this time, as the text amendment process takes months due to State notification requirements for public hearings.

Temporary enclosures shall require submittal and approval of a complete Temporary Building, Structure, Use and Outdoor Special Event Application and fee to the City of Troy Planning Department. Temporary enclosures are required to adhere to the Building Code and Fire Code and other laws related to public health, safety and welfare.

### Legal Review

This item was submitted to the City Attorney for review pursuant to City Charter Section 3.17.