

RESOLUTION NO. 2020-31A

BY: Bullock, Kepple, Litten, Neff,  
O'Malley, Rader, Shachner

A RESOLUTION to take effect immediately provided it receives the vote of at least two thirds of the members of Council, or otherwise to take effect at the earliest period allowed by law, amending Resolution No. 2020-31, adopted May 21, 2020, extending the authorization of the Planning Commission to grant temporary conditional use permits for outdoor/seasonal dining facilities throughout this state of emergency to qualifying applicants.

WHEREAS, on May 7, 2020, Governor DeWine announced that restaurants may resume outdoor dining service on May 15, 2020 and indoor dining service on May 21, 2020; and

WHEREAS, restaurants must follow social distancing guidelines, including ensuring that patrons remain six feet apart when dining unless there is a physical barrier between parties; and

WHEREAS, it is still unknown when a Covid-19 vaccine will be widely available; and

WHEREAS, bars and restaurants throughout the region have struggled to maintain financial solvency and comply with the Governor's orders, resulting in at least one Lakewood restaurant to permanently close; and

WHEREAS, the City of Lakewood recognizes that restaurants are critical to the vibrancy of Lakewood and to ensure that our local restaurants remain successful and that the public feels safe patronizing them the City of Lakewood should provide more opportunities for restaurants to expand their outdoor dining capacity to promote compliance with the Governor's orders; and

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this resolution is an emergency measure and that it shall take effect immediately, and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in that the State of Ohio is under an order of a state of emergency from the Governor and it is imperative to provide assistance to Lakewood's small businesses to help them continue their operations under the orders of the Governor and the Ohio Director of Health and to maintain public safety while doing so; now, therefore

BE IT RESOLVED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. That of Resolution No. 2020-31, adopted May 21, 2020, currently reading as follows:

Section 1. The City of Lakewood hereby authorizes the Planning Commission to temporarily waive or modify the requirements in Lakewood Codified Ordinance Sections 1161.03 and 11291 to expand outdoor/seasonal dining facilities during the COVID-19 Pandemic for the duration a state of emergency declared by the State of Ohio, the County of Cuyahoga, or the City

of Lakewood or until October 31, 2020, whichever comes first, to all applicants that the Planning Commission find satisfy its requirements and supersedes Lakewood Codified Ordinance Sections 1161.03 and 112913.

Section 2. . . .

. . .

is hereby amended to read as follows:

Section 1. The City of Lakewood hereby authorizes the Planning Commission to temporarily waive or modify the requirements in Lakewood Codified Ordinance Sections 1161.03 and 11291 to expand outdoor/seasonal dining facilities during the COVID-19 Pandemic for the duration a state of emergency declared by the State of Ohio or the County of Cuyahoga, ~~or the City of Lakewood or until October 31, 2020~~, whichever comes first, to all applicants that the Planning Commission find satisfy its requirements and supersedes Lakewood Codified Ordinance Sections 1161.03 and 112913.

Section 2. . . .

. . .


Section 2. That all Public Property Use Agreements between the City of Lakewood and businesses having a current conditional use permit for outdoor dining are hereby extended, without the need for an addendum, for the duration of a state of emergency declared by the State of Ohio or the County of Cuyahoga County for the COVID-19 Pandemic.

Section 3. It is found and determined that all formal actions of this Council concerning and relating to the passage of this resolution were passed in an open meeting of this Council and that all deliberations of this Council and any of its committees that resulted in such actions were in meetings open to the public and in compliance with legal requirements.

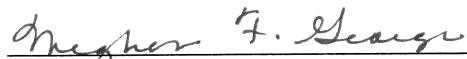
Section 4. This resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this resolution shall take effect and be in force immediately upon its adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted: 9/21/2020

  
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President of Council

  
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Clerk of Council

Approved: 9/28/2020

  
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Mayor