

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. CZ 11-01

**TEXT AMENDMENT TO ZONING ORDINANCE
(Restaurant Types)**

An Ordinance to amend the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, to update the definitions of restaurants and associated districts

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Section 26-2.1 Definitions in Article 2 of the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended to read as follows:

2.1 DEFINITIONS

90. **Restaurant** means any establishment whose principal business is the sale of food and/or beverages to the customer prepared in an on-site kitchen in a ready-to-consume state, and whose method of operation is characteristic of a carry-out, drive-in/-through, standard restaurant, or combination thereof, as defined below:
- A. **Carry-out restaurant** means a business establishment which sells food and/or beverages served in disposable containers or wrappers for consumption primarily off of the premises. A carry-out restaurant differs from a drive-in/-through restaurant in that a customer must enter the restaurant or an employee must exit the restaurant and deliver the food to a customer for consumption off the premises.
 - B. **Drive-in restaurant** means a business establishment which sells food and/or beverages served in disposable containers or wrappers. A drive-in restaurant involves the delivery of prepared food to the customer in a motor vehicle for consumption in a motor vehicle while parked on the premise.
 - C. **Drive-through restaurant** means a business establishment which sells food and/or beverages served in disposable containers or wrappers. A drive-through restaurant involves the delivery of prepared food to the customer inside the building or in a motor vehicle, commonly through a drive-through window, for consumption off the premises or inside of the building.
 - D. **Standard restaurant** means a business establishment which sells food and/or beverages for consumption by customers in a dining area either delivered by waitstaff or acquired by customers at a cafeteria or buffet.

Section 2 of Ordinance

Section 26-3.1 Zoning Districts Enumerated in Article 3 of the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended to read as follows:

3.1.5.B B-1 LOCAL BUSINESS DISTRICT PRINCIPAL USES PERMITTED

iv. Restaurants, carry-out and/or standard

3.1.6.B B-2 COMMUNITY BUSINESS DISTRICT PRINCIPAL USES PERMITTED

d. Restaurants, carry-out and/or standard

3.1.7.B B-3 GENERAL BUSINESS DISTRICT PRINCIPAL USES PERMITTED

viii. Restaurants, carry-out and/or standard

3.1.7.C B-3 GENERAL BUSINESS DISTRICT SPECIAL LAND USES

vi. Restaurants, drive-in

3.1.8.B B-4 RESTRICTED GENERAL BUSINESS DISTRICT PRINCIPAL USES PERMITTED

v. Restaurants, carry-out and/or standard, provided alcoholic beverages are not sold or consumed on premises unless otherwise permitted by law

3.1.8.C B-4 RESTRICTED GENERAL BUSINESS DISTRICT SPECIAL LAND USES

ix. Restaurants, drive-in and/or drive-through

3.1.11.C OR-1 OFFICE RETAIL DISTRICT SPECIAL LAND USES

i. Restaurants, standard when located in an office building and not as a freestanding structure

3.1.12.C OR-2 RESTRICTED OFFICE RETAIL DISTRICT SPECIAL LAND USES

vi. Restaurants, standard when located in an office building and not as a freestanding structure

3.1.22.B TOWNSHIP CENTER DISTRICT DEFINITIONS

xvi. **Coffee Shop.** A business establishment whose principal business is the sale of coffee, tea and other non-alcoholic beverages in a building that is designed and furnished to accommodate and encourage on-site consumption in a permanent and designated area that also serves as a casual social gathering place through amenities and features such as sofa and upholstered chair seating, coffee and end tables, televisions, fireplaces, computer access,

background music, reading areas, stone, brick and other natural material wall surfaces, high quality wood or carpeted floors, subdued lighting, artwork, and similar elements that provide a relaxed and inviting atmosphere. Food sales shall be limited to individual pastries, desserts, and other baked goods, prepared on-site without the use of deep frying equipment, and shall not include full meals.

3.1.22.G TOWNSHIP CENTER DISTRICT PERMITTED USES

Use	Downtown General Zone	Downtown Center Zone
Restaurants, carry-out and/or standard	P	P
Coffee shops	P	P

Section 3 of Ordinance

Section 26-4.14 Drive-In/Fast Food Restaurant in Article 4 of the Zoning Ordinance, Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, is amended to read as follows:

4.14 DRIVE-IN AND DRIVE-THROUGH RESTAURANTS

1. In the B-3 district. Drive-in restaurants are subject to the following:
 - A. A front yard setback of at least sixty (60) feet shall be required.
 - B. Ingress and egress points shall be located at least two hundred fifty (250) feet from the right-of-way of any intersecting street.

2. In the B-4 district. Drive-through restaurants are subject to the following:
 - A. A front yard setback of at least sixty (60) feet shall be required.
 - B. Entrance and exit drives shall be at least two hundred fifty (250) feet from any street intersection.
 - D. An obscuring wall or fence or landscape buffer shall be provided in accordance with the provisions in Section 5.12 on all sides abutting a residential district.
 - E. Alcoholic beverages shall not be sold or consumed on premises unless otherwise permitted by law.

Section 4 of Ordinance

Should any section, subdivision, sentence, clause or phrase of this ordinance be declared by the Courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any other parts not invalidated.

Section 5 of Ordinance

Except as expressly set forth above, the Zoning Ordinance shall remain in full force and effect.

Section 6 of Ordinance

This Ordinance shall take effect upon the expiration of seven (7) days after publication, unless otherwise provided by law.

CERTIFICATION

I hereby certify that this ordinance was adopted by Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board duly called and held on August 15, 2011.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: _____

Catherine Shaughnessy

CATHERINE SHAUGHNESSY, Township Clerk

INTRODUCED: July 18, 2011

ADOPTED: August 15, 2011

PUBLISHED: _____, 2011