STATE OF MICHIGAN, COUNTY OF OAKLAND

CHARTER TOWNSHIP OF WEST BLOOMFIELD

ORDINANCE NO. C-709-A

TEXT AMENDMENT TO ZONING ORDINANCE
(Outdoor Seating Areas)

An Ordinance to amend the Zoning Ordinance, codified in Chapter 26 of the Charter Township of West Bloomfield Code of Ordinances, to readopt the outdoor seating areas regulations that were adopted as Section 26-51 in Section 3 of Ordinance No. C-709 on July 2, 2007, with a March 2, 2008 expiration date.

THE CHARTER TOWNSHIP OF WEST BLOOMFIELD ORDAINS:

Section 1 of Ordinance

Article II of the Zoning Ordinance shall be amended by adding Section 26-51 to read as follows:

Section 26-51 Outdoor seating areas.

(a) Outdoor seating areas that satisfy the definition of “accessory use” in section 26-2 and all of the standards and requirements in this section shall be allowed on a temporary basis during the period of April 1 to October 31, as an accessory use upon applying for and obtaining a certificate of occupancy and any other related permits for the outdoor seating area as provided in Article VI, with the application to include a plot plan and all information necessary to demonstrate compliance with all standards in this section. Continuing compliance with the standards in this section are conditions of every permit and certificate, which may be immediately revoked for violations.

(1) Written documentation of the legal right and property owner’s consent to use the outdoor seating area.

(2) The outdoor seating area must be at grade level and may not occupy an area in excess of 20 percent of the gross floor area of the permitted use.

(3) The outdoor seating area may not be used for the consumption or service of alcohol.

(4) No food or beverages may be stored, prepared or sold or offered for sale in the outdoor seating area, with this prohibition applying to vending machines.

(5) No signs are allowed in the outdoor seating area.

(6) Any lighting shall be shielded so as to prevent glare to adjacent property, public right-of-ways, and pedestrians.

(7) No live music, loudspeakers, public address systems or other types of acoustic generators are allowed in or around the outdoor seating area.
(8) The outdoor seating area must comply with all applicable construction and fire codes and other governmental laws and permit, license or approval requirements under them.

(9) The outdoor seating area shall be provided with trash receptacles and be regularly maintained in a safe, clean, litter-free and orderly condition.

(10) The outdoor seating area shall be located at least 50 feet from any residentially zoned property.

(11) An outdoor seating area may not be located on a sidewalk unless a minimum pathway width of at least five feet, or such greater width as required by the state barrier free design law, is maintained between the outdoor seating area and the edge of the sidewalk and any other structures or objects.

(12) The hours of the outdoor seating area shall be consistent with the principal use.

(13) All chairs, benches, tables and other installations that are part of the outdoor seating area shall be of quality, durable material and shall be removed and stored in a legal location and manner during the period from November 1 through March 31.

(14) Outdoor seating areas in a public sidewalk, road right-of-way or other public property owned or controlled by the township may not be permitted under this section unless township approval is first obtained as provided in chapter 20 or other provision of the township code.

(b) Outdoor seating areas that do not satisfy and are not allowed as accessory uses under subsection (a) require site plan review and approval by the Planning Commission, which in addition to other applicable site plan review criteria, standards and conditions, shall include the following:

(1) The outdoor seating area shall not exceed 20 percent of the gross floor area of the principal business, however, the Planning Commission may require a lesser area based on factors including, but not limited to, safety of customers, aesthetics, and pedestrian and vehicular circulation.

(2) Sufficient parking is provided to accommodate the outdoor seating area with such parking calculated on the same basis as that of the principal use.

(3) All required township, county and state permits, licenses and approvals shall be secured prior to any site plan approval or amendment being effective.

(4) The property owner shall enter into a written maintenance agreement acceptable to the Township Attorney assuring upkeep and maintenance of the outdoor seating area.

(5) The sale and service of alcoholic beverages shall be in conformance with the rules of the State Liquor Control Commission.

(6) Outdoor seating areas in a public sidewalk, road right-of-way or other public property owned or controlled by the township may not be permitted under this section unless approval is first obtained as provided in chapter 20 or other provision of the township code.
(7) Standards in subsection (a) that the Planning Commission does not waive or modify. The standard in subsection (a)(14), which is identical to subsection (6) above, may not be waived or modified by the Planning Commission.

Section 2 of Ordinance

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

Section 3 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 the foregoing ordinance was introduced and adopted as a declared emergency ordinance by the Board of Trustees of the Charter Township of West Bloomfield at a meeting of the Board duly called and held on June 16, 2008.

CHARTER TOWNSHIP OF WEST BLOOMFIELD

By: SHARON A. LAW, Township Clerk

INTRODUCED: June 16, 2008
ADOPTED: June 16, 2008
PUBLISHED: June 22, 2008