

Outdoor cafes or seating areas when adjacent to a licensed restaurant or food establishment that sells food for immediate consumption on the premises shall be allowed on a limited basis. Permits for outdoor seating will be granted by the Planning Commission following a satisfactory plan review. Approval may be granted by the City Manager (without Planning Commission approval) if the proposed seating is contained to an existing sidewalk adjacent to the establishment and meets all of the restrictions below. **Application will be made using the same guidelines and fees as a Site Plan Review. Written approval from the property owner for the proposed outdoor seating must be submitted with the application.**

If approved, and the business wishes to modify the outdoor seating plan or the business changes ownership, a new permit will be required. The following minimum restrictions apply:

- a. Outdoor seating areas may be permitted on private property. The outdoor seating area must be immediately adjacent to the associated restaurant or food establishment.
- b. Outdoor seating areas shall be required to be enclosed in instances where there is wait staff or alcohol service. For the purpose of the section, an enclosure is a decorative wood or metal railing or other decorative removable physical delineation, approved by the City Manager. Access to the outdoor seating area will be restricted to patrons only.
- c. Outdoor seating shall be permitted only during normal business hours between March 15<sup>th</sup> and November 1<sup>st</sup>. In no case shall an outdoor seating area operate between the hours of 11:00 p.m. and 7:00 a.m. There will be no outdoor storage of portable or temporary tables, chairs or other equipment from November 2<sup>nd</sup> to March 14<sup>th</sup>.
- d. The outdoor seating area shall be kept free of litter and debris, and with a well-kept appearance within and immediately adjacent to the area of tables and chairs. Additional outdoor waste receptacles may be required. Written procedures for required maintenance services, such as cleaning and waste containment and removal responsibilities must be included with all applications and approved by the Planning Commission.
- e. There shall be no loudspeakers located in or in conjunction with an outdoor seating area and all other noise shall be controlled so as to not be audible more than ten (10) feet from the outdoor seating area. All lighting must be shielded to prevent glare on adjacent roadways and protect abutting parcels.
- f. The capacity of the outdoor seating area shall be provided by the applicant and verified by the City Manager. The entire seating area for the establishment will be calculated including the proposed outdoor seating. The establishment must provide for the required number of parking spaces consistent with the restaurant parking standard in Section 78.571.
- g. A sign must be posted stating “No food or beverages allowed beyond this point.” Additional signs associated with the outdoor seating area are prohibited.
- h. Any outdoor seating areas shall be completely screened from view of all single family residential properties by an obscuring wall or landscape buffer, unless the outdoor seating area is separated by a public road, public alley, or public parking area.
- i. Vending machines and other similar products shall be prohibited in all outdoor seating

areas.

j. Preparation of food and beverages shall be prohibited in any outdoor seating area. The sale and consumption of alcohol are governed by the Michigan Liquor Control Act and local ordinance. Additionally, such seating areas must include food service if they are intending to provide the sale and service of alcoholic beverages.

k. A minimum of five (5) feet of sidewalk along the curb and leading to the entrance to the establishment must be maintained free of tables and other encumbrances, in accordance with the provisions of the national Americans with Disabilities Act (ADA) and Michigan barrier-free requirements. If the sidewalk is not wide enough to allow for a five (5) foot wide clearance for circulation, the outdoor seating area shall not be permitted.

l. Outdoor seating shall be subject to applicable City, County and State requirements.