

NOTICE OF ADOPTION

The City of Wyandotte Zoning Ordinance has been amended as follows:

AN ORDINANCE ENTITLED
AN ORDINANCE TO AMEND THE CITY OF WYANDOTTE
ZONING ORDINANCE TO AMEND CERTAIN PORTIONS OF
ARTICLE XXII SPECIAL LAND USES
SECTION 2202 – SPECIAL LAND USE DESIGNATED
AMENDING SECTION S – OUTDOOR CAFE

CITY OF WYANDOTTE, WAYNE COUNTY, MICHIGAN ORDAINS:

Section 1. Purpose and Intent

It is determined necessary for the health, safety and welfare of the City to adopt this article regulating the location and operations of Outdoor Cafes Uses.

Section 2. Amendment to Section 2202 “Special Land Use Designated” by amending Paragraph S of Article XXII “Special Land Uses” of Zoning Ordinance shall read the follows:

Article XXII – Special Land Uses, 2202. Special Land Use Designated

S – Outdoor Café

1. Subject to all of the conditions described herein, an outdoor café may be set up and used annually from January 1 through December 31. The permitted hours of operation are:
 - Monday 7:00 a.m. to 12:00 Midnight (17 hours)
 - Tuesday 7:00 a.m. to 12:00 Midnight (17 hours)
 - Wednesday 7:00 a.m. to 12:00 Midnight (17 hours)
 - Thursday 7:00 a.m. to 12:00 Midnight (17 hours)
 - Friday 7:00 a.m. to 2:00 a.m. Saturday morning (19 hours)
 - Saturday 7:00 a.m. to 2:00 a.m. Sunday morning (19 hours)
 - Sunday 7:00 a.m. to 12:00 Midnight (17 hours)

In addition to the above:

- Each day of the Wyandotte Street Art Fair 7:00 a.m. to 2:00 a.m. of the following day (19 hours)
- March 17 (St. Patrick’s Day) 7:00 a.m. to 2:00 a.m. of the next day (19 hours)
- New Year’s Eve 7:00 a.m. to 2:00 a.m. of the next day (19 hours)
- Wednesday immediately before Thanksgiving Day 7:00 a.m. to 2:00 a.m. of the next day (19 hours)
- Thursday immediately before Traditional Easter Sunday 7:00 a.m. to 2:00 a.m. of the next day (19 hours)

Noise radiating from an outdoor café, which exceeds 75 DBA between 7:00 a.m. to 12 midnight or 65 DBA for all other times shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area and is prohibited. The “DBA” represents the sound pressure level in decibel measured on the “A” scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. No one will be allowed to have possession of food or drink on the Café except during the permitted hours as set forth in this section.

Upon request, the City Council may by resolution, extend the dates of operations or the hours of operation. A public hearing on said request shall first be held by the Planning Commission (under the same procedures for approval of special land use). Upon receipt by the City Council of recommendation of the planning commission the City Council may approve the request. The criteria for approval will include the impact on adjacent or nearby residential, religious, educational or commercial properties and review of previous or current compliance with all city ordinances, state and federal regulations.

Any approval for extension of dates or hours shall be issued on a calendar year basis and shall expire on December 31st and must be renewed annually. The City Council may grant a renewal

of the extended dates or hours without the necessity of a public hearing if it determines the applicant is in compliance with all requirements of all city ordinances and approvals for the special land use. Any approval for extension of dates or hours is subject to revocation by the Planning Commission in accordance with paragraph H, section 2201.

2. A site drawing showing the detailed plan of the outdoor café must be submitted to and approved by the Planning Commission. The detailed plan is to include: the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs and other equipment, as well as lighting and electrical outlet locations. The location of entrances and exits shall be shown. For cafes on public property, the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc., and an unobstructed clear area for pedestrian use (a minimum of 60"). A minimum clearance of seven (7) feet shall be maintained between the sidewalk and bottom edge of table umbrellas or awnings. The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor café. The occupancy load shall be posted in a conspicuous location.
3. Plans for setting up the outdoor café must be approved by the Department of Engineering and Building to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire-safety issues. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.
4. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health and any other local, county or state requirements, including the City of Wyandotte's ordinance and the Michigan Liquor Control Commission (if applicable).
5. For outdoor cafes on public property, liability insurance, Liquor Liability Coverage and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's City Administrator, must be provided before an outdoor café may be set up and be maintained for as long as the outdoor café is in operation.
6. Approval of the City Council is required for the proposed use of any public area or facility. All provisions of a Grant of License must be complied with at all times. Consideration for approval for use of any public area shall be limited to public property that is situated within fifty (50) feet of the extended property boundaries of property owned by the applicant. Any public outdoor café not within the road right-of-way may also require a written lease as determined by the City Council.
7. An outdoor café in a B-2 district may provide for only thirty five percent (35%) more seating than is provided inside the restaurant. Additional parking shall be provided for the square foot area of the outdoor café in accordance with Section 2403.
8. No sign or any other form of advertising is permitted in the dining area, nor on fences or railings of such area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella. No display of merchandise for sale shall be allowed.
9. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, shall be secured by means of flush mounted anchors or other methods approved by the Building Official. No objects which are part of an outdoor café, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and/or the outdoor café on public property are not open for daily use, all furnishings and fixtures, unless otherwise specifically approved, shall be removed from the public property or stored in an approved manner which shall not cause a public nuisance or hazard. The Building Official shall determine when fences on public property shall be removed. The Building Official shall determine when a hazardous condition exists in the public right-of-way and on other public property. Any fence abutting public right-of-way or in public right-of-way must be of black metal material. Shop drawings plans shall be provided with each

- application for fencing and all furniture on any outdoor café for review by the Planning Commission.
10. Outdoor dining areas must remain clear of litter, food scraps and soiled dishes at all times. All Outdoor Café shall post the hours of operations as specified by the City Engineer.
 11. Annual inspection of the outdoor café to be conducted by the Engineering and Building Department for compliance with approved plan. All outdoor cafes shall apply annually to the Engineering and Building Department for approval and no person may operate an Outdoor Café until such annual approval by City is granted for the given year. A public hearing will be required for an existing outdoor café only if a written complaint, changes to Outdoor Café layout or violations are received by any City Department in the previous year. The Engineering and Building Department will be responsible to receive written complaints concerning an outdoor café and said complaints shall be forwarded to the Planning Commission. The City Council will approve an application checklist which will include yearly fees for application review, inspections, use of public area and review of insurance. This checklist will be utilized for inspection by the Engineering and Building Department. The yearly fee will be established by City Council Resolution.

Section 3. Reservation of Rights.

Nothing in this Ordinance or in the Code hereby adopted shall be construed to affect any suit or proceeding in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy or any character be lost, impaired or affected by this Ordinance.

Section 4. Severability.

Severability. Should any word, sentence, phrase or any portion of this Ordinance be held in a manner invalid by any court of competent jurisdiction or by any state agency having authority to do so for any reason whatsoever, such holdings shall be construed and limited to such word, sentence, phrase or any portion of the Ordinance held to be so invalid and shall not be construed as affecting the validity of any of the remaining words, sentences, phrases or portions of this Ordinance.

Section 5. Conflicting Ordinances.

Conflicting Ordinances. All prior existing ordinances adopted by the City of Wyandotte inconsistent or in conflict with the provisions of this Ordinance are, to the extent of such conflict or inconsistency, hereby expressly repealed.

Section 6. Effective

This Ordinance shall take effect along with the notice of adoption in a newspaper generally circulated in the City of Wyandotte within ten (10) days after adoption and shall take effect fifteen (15) days from the date after adoption or seven (7) days after publication, whichever is later. The notice of adoption shall include the text of the amendment, the effective date of the Ordinance and the place and time where a copy of the Ordinance may be purchased and inspected.

Motion unanimously carried.

ABSENT: Councilperson Schultz

CERTIFICATION

We, the undersigned, Joseph R. Peterson and Lawrence S. Stec, respectively, the Mayor and City Clerk of the City of Wyandotte, do hereby certify that the foregoing Ordinance was duly passed by the City Council of the City of Wyandotte, at a regular session on Monday, April 30, 2018.

Joseph R. Peterson, Mayor
Lawrence S. Stec, City Clerk

The effective date of this Ordinance is May 16, 2018. A copy of this Ordinance may be purchased or inspected at the City of Wyandotte Clerk's Office, 3200 Biddle Avenue, Wyandotte, Michigan, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday.

Publication Date: May 9, 2018