

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18.211

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18, AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE, TO AMEND THE PROCESS FOR OUTDOOR EATING AREAS TO STREAMLINE THE REVIEW AND APPROVAL OF APPLICATIONS.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, Article 25, General Provisions, shall be amended by **adding** Section 2524, Outdoor Restaurants, to read as follows:

Section 2524. Outdoor Restaurants.

All sit-down and fast food sit-down restaurants, as defined at Section 201, may have outside seating and dining as an accessory use, subject to the following conditions:

- a. If the seating area is proposed as part of a site plan application it shall require site plan review and approval by the Planning Commission or City Council, in accordance with Section 2516. If the seating area is proposed to be added for an existing business, site plan review shall be administrative in accordance with Section 2516. Outdoor seating areas shall also comply with all applicable building and fire codes and shall be reviewed and approved by the Building Department. Once initial approval has been granted by the Planning Commission, City Council, or administratively, as applicable, it may be renewed annually by the building official, provided that it complies with the original approval.
- b. Outdoor seating shall be permitted between April 15th and November 30th, with all furniture and fixtures, including, but not limited to, tables, chairs, and waste receptacles, removed from the exterior premises after November 30th. Outdoor seating shall not be the primary seating of the restaurant.
- c. Outdoor seating areas shall be located in a manner to maintain a minimum pathway width of 6 feet (clear of structures such as light poles, trees, and hydrants) along the sidewalk so as not to interfere with pedestrian traffic. Chairs and tables shall be of quality durable material such as metal or wood. Waste receptacles shall be provided in instances where wait staff does not clear all tables.
- d. Outdoor seating areas shall be required to be enclosed in instances where there is waitstaff or alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls, or other suitable material approved by the Planning Commission, City Council, or administratively as applicable, and the building official.
- e. For outdoor seating areas located within any public-right-way, approval by the corresponding jurisdiction (i.e. City of Novi, MDOT, or Road Commission for Oakland County) is required. Proof of Insurance naming the City as an additional insured, in a form

- and amount deemed acceptable by the City Attorney's office, shall be required. A license agreement in a form deemed acceptable to the City Attorney's office shall also be required.
- f. For plans showing more than 20 seats within the outdoor seating area, requirements for off-street parking for outdoor restaurants shall be computed according to the standards contained in Section 2505, as indicated for restaurant use.
 - g. The hours of operation for outside restaurant will be consistent with the hours of operation of the inside restaurant.

Part II. Article 9A, GE Gateway East District, Section 902A.2, Principal Permitted Uses, shall be amended to read as follows:

- 2. Restaurants (sit down) up to a maximum of 125 seats, or other places serving food or beverage, excluding those having the character of a drive-in or having a drive through window. Outdoor dining may be permitted, subject to approval at the time of preliminary site plan review, if the applicant demonstrates that, as proposed, such outdoor use shall be compatible with surrounding uses, be consistent with pedestrian movement (including an unobstructed pedestrian path at least six (6) feet in width), be consistent with the intent of this Article as herein stated, and be subject to the standards of Section 2524, Outdoor Restaurants. Proposals for outdoor seating for an existing restaurant within the GE District may be reviewed and approved administratively.

Part III. Article 16, TC and TC-1 Town Center Districts, Section 1601, Principal Uses Permitted, shall be amended by deleting subparagraph 8.

Part IV. Article 16, TC and TC-1 Town Center Districts, Section 1601.12, Principal Uses Permitted, shall be amended to read as follows:

(a) – (f) [Unchanged]

- g. No outside beer tent shall be permitted on any off-street parking lot or off-street loading/unloading area except as may be permitted as a temporary tent sale use pursuant to Section 3004 of this Ordinance. Outside table serving may be permitted on a plaza providing proper handicapped sidewalk and ramp access is provided and subject to the requirements of Section 2524, Outdoor Restaurants.

(h) [Unchanged]

Part V. Article 25, General Provisions, Section 2516, Site Plan Review (All Districts), shall be amended to add subparagraph c (11), to read as follows:

- c. A site plan may be reviewed for approval administratively without formal review by the approving body under the following circumstances:
 - (1) - (10) [Unchanged]
 - (11) When an existing restaurant use proposes an outdoor seating area, provided the addition does not require a new or revised woodlands permit, a non-administrative wetlands permit, or where such change does not result in a deficiency in off-street parking demand.

