

CITY OF DEARBORN HEIGHTS
COUNTY OF WAYNE
STATE OF MICHIGAN

ORDINANCE NO. H-20-03

AN ORDINANCE OF THE CITY OF DEARBORN HEIGHTS, PROVIDING THAT THE CODE OF ORDINANCES, CITY OF DEARBORN HEIGHTS, BE AMENDED BY AMENDING SECTION 36-170 OF THE ZONING ORDINANCE REGARDING OUTDOOR DINING AREAS FOR RESTAURANTS.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DEARBORN HEIGHTS, THAT THE CITY OF DEARBORN HEIGHTS ZONING ORDINANCE IS HEREBY AMENDED TO PERMIT OUTDOOR DINING AREAS FOR RESTAURANTS, TO READ AS FOLLOWS:

SECTION I.

The City of Dearborn Heights Zoning Ordinance, Sec. 36-170, shall be amended to read as follows:

Sec. 36-170. Outdoor seating for restaurants.

- A. Outdoor seating areas are allowed as an accessory use at restaurants, bars, taverns, coffee shops, cafes, bistros, bakeries, delicatessens, specialty food stores, and/or other similar establishments, and are subject to the following requirements:
- (1) *Accessory to primary use.* The outdoor seating area must be accessory to a fully-operational restaurant located on the same site.
 - (2) *Limits on nuisance.* No music, speakers, intercoms, or similar devices shall be permitted. Operation of an outdoor seating area must not adversely impact adjacent or nearby residential, religious, educational, or commercial properties and must be in accordance with all applicable codes and regulations.
 - (3) *Outdoor food storage and preparation.* Outdoor food storage is prohibited. Outdoor food preparation may be permitted, provided that the location and type of cooking equipment is shown on the site plan or sketch plan and is subject to any conditions that may be imposed by the City or Wayne County Health Department to minimize the off-site impact of such operations.
- B. A temporary outdoor seating area may be approved administratively through the Building Official, with input from the City Fire Department,

Police Department, Engineer and Planning Consultant, according to the following guidelines and process.

- (1) *Sketch plan required.* A sketch plan must be submitted for review. The sketch plan must indicate the location of the outdoor seating area, proposed lighting, access, fences, landscaping, trash removal, setbacks from property lines, and other proposed improvements associated with the outdoor seating area.
 - (a) The capacity of the outdoor seating area must be considered along with the indoor seating for the purposes of determining compliance with required parking.
 - (b) The outdoor seating area must comply with the setback requirements for a principal building or structure in the zoning district.
 - (c) The sketch plan must specify the plans for storage of tables, chairs, and equipment during the periods when the outdoor seating area is not in use.
 - (d) The hours of operation for the outdoor seating area must be specified on the sketch plan. Hours of operation is subject to approval by the Building Official.
 - (e) The proposed dates for the temporary outdoor seating use must be specified. No temporary outdoor seating use may continue for more than 5 months in any calendar year.
 - (f) A temporary outdoor seating use may be converted to a permanent outdoor seating use by site plan amendment, following the procedures described in section 36-170(C).
- (4) *Agency approvals.*
 - (a) Temporary outdoor seating and temporary outdoor food preparation areas are subject to applicable Wayne County Health Department requirements.
 - (b) A proposed temporary outdoor seating area must be reviewed and approved by the Fire Chief, Police Chief, Building Official, Engineer, and Planning Consultant
- (5) *Permit Required.* A temporary outdoor seating permit issued by the Building Department is required for all outdoor seating areas that are not part of an approved site plan. Repeated violations of Sec. 36-170(A) may result in the revocation of the temporary outdoor seating permit.

C. A permanent outdoor seating area use must be approved using the site plan review procedure located in Article XIV of the City Zoning Ordinance. In addition to any other requirements set forth in the City Zoning Ordinance, the requirements of section 36-170(A) shall apply, and the proposed site plan must include the following:

- (1) The site plan must indicate the location of the outdoor seating, proposed lighting, access, fences, landscaping, trash removal, setbacks from

property lines, and other proposed improvements associated with the outdoor seating.

- (2) The capacity of the outdoor seating area must be considered along with the indoor seating for the purposes of determining compliance with required parking.
- (3) The outdoor seating must comply with the setback requirements for a principal building or structure in the zoning district.
- (4) The site plan must specify the plans for storage of tables, chairs, and equipment during the months when the outdoor seating is not in uses.
- (5) The hours of operation for the outdoor seating must be specified on the site plan. Hours of operation is subject to approval by the Planning Commission.
- (6) The proposed dates for the outdoor seating use must be specified.
- (7) *Agency approvals.*
 - (a) Outdoor seating and outdoor food preparation areas are subject to applicable Wayne County Health Department requirements.
 - (b) Outdoor seating must be reviewed by the Fire Chief, Police Chief, Building Official, Engineer, and Planning Consultant, with any comments submitted to the Planning Commission during the review of the site plan application.

SECTION II.

REPEAL

All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

SECTION III.

SEVERABILITY

Should any section, 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 part thereof other than the part so declared to be invalid.

SECTION IV.

EFFECTIVE DATE

This ordinance shall become effective upon publication as provided by law.

SECTION V.

AUTHENTICATION

This is to certify that the undersigned do hereby authenticate the foregoing record of the ordinance herein set forth.

Dan Paletko, Mayor

Lynne Senia, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and correct copy of this ordinance adopted by the Council for the City of Dearborn Heights at a electronically held regular meeting of the Council held on the 24th day of November, 2020, and became effective by publication in the official newspaper of the City of Dearborn Heights or otherwise on the 28th day of December, 2020.

Lynne M. Senia, Clerk

Publication Date: December 28, 2020