

**CITY OF GROSSE POINTE WOODS  
WAYNE COUNTY, MICHIGAN**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF GROSSE POINTE WOODS, CHAPTER 50 – ZONING; SECTION 50-6.5 OUTDOOR CAFÉ PERMIT TO ALLOW FOR YEAR AROUND OUTDOOR DINING IN THE PUBLIC RIGHT OF WAY ~~ALONG~~ FOR PROPERTIES ALONG MACK AVENUE AND TO CLARIFY EQUIPMENT AND AMENITIES PERMITTED.**

**THE CITY OF GROSSE POINTE WOODS ORDAINS:**

**Section 1.** The City of Grosse Pointe Woods Code of Ordinances, Chapter 50 - Zoning, Section 50-6.5 Outdoor Café Permit, is hereby amended to include regulations of outdoor dining in the public right-of-way as follows:

**50.6.5 Outdoor Café Permit**

It shall be unlawful for any person to operate an outdoor cafe on any sidewalk or public right-of-way without a permit as provided by this section. An outdoor cafe is defined as an outdoor dining area located on or adjacent to a sidewalk which abuts a commercial establishment serving food or beverages. Outdoor cafes shall be permitted only within the C and C-2 zoning districts, and **C-F zoned properties along Mack Avenue**. An outdoor cafe permit shall be a license to use the permitted area and shall not grant any person any property right or interest in the permitted area. The city may require any permittee to restore the cafe area to its original condition.

**A. Scope, Procedure and Fee.**

1. This section applies to intended uses on sidewalks and those areas adjacent to commercial buildings between the sidewalk and roadway curb. Outdoor dining entirely on private property continues to be regulated under section 50-4.16 Outdoor patio areas for the sale and service of food and beverages.
2. Each permit shall be effective for one year, and must be annually renewed with the approval of the city. Applications in compliance with this section may be approved by the building official. **Applications not in strict compliance with this section or unable to accommodate measurements proposed by the building official must then be reviewed by the planning commission for approval under section 50-6.1 Site plan review, subsection A.** Subsequent approvals may be renewed annually by administration provided that the standards and conditions set forth in this section continue to exist.
3. The annual permit fee for an outdoor cafe shall be established by city council resolution.

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C. Standards And Criteria For Application Review. The following standards and criteria shall be used in reviewing the application:

1. The permitted area shall allow a minimum of **five** feet of sidewalk clearance to allow safe pedestrian movement and four feet clearance from any curb. Use may not create a hazard, obstruct motor vehicles or unduly impede sidewalk use.
2. Permits shall be issued only to persons who hold a valid business license and who wish to provide tables and chairs on the permitted area abutting such establishment for use by the general public.
3. Outdoor cafes are restricted to the street frontage of the abutting business establishment to which a permit has been issued.
4. The perimeter around the outdoor cafe area may be delineated using fixtures such as railing, potted plants, decorative chains, or other approved fixtures. The permanent anchoring of tables, chairs, umbrellas, awnings, railings or other fixtures may be approved by the building department provided such anchoring meets all city and county requirements.
5. Tables, chairs, umbrellas, awnings and any other fixtures shall be of uniform design and shall be made of quality materials and workmanship to ensure the safety and convenience of users and to enhance the visual quality of the urban environment. **Picnic tables are not eligible.**
6. Bollards should be consistent in size and appearance throughout the city.
7. Design, materials and colors must be compatible with the abutting building and otherwise comply with the Code.
8. The application must meet all other terms and conditions of this section.

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E. Conditions of outdoor cafe permit. Outdoor cafes permitted under this section shall be subject to the following conditions:

1. The permit issued shall be personal to the permittee and shall be transferable only with the written approval of the city administrator.
2. The city may require the temporary removal of outdoor cafes by the permittee when street, sidewalk or utility repairs necessitate such action or when it is necessary to clear or repair sidewalks. The permittee shall be responsible for removing all outdoor cafe fixtures at least two days prior to the date identified in writing by the city. The permittee shall not be entitled to any refund for such removal. The city shall not be responsible for any costs associated with the removal or the return and installation of any outdoor cafe fixtures.
3. The use shall be specifically limited to the outdoor cafe area shown in the application.

4. The permittee shall insure that the outdoor cafe does not interfere with or limit the free unobstructed passage of sidewalk users in the approved pedestrian path. In the event the cafe utilizes a portion of the sidewalk, then the seating must be adjacent to the building.
5. Tables, chairs, umbrellas, awnings and any other fixtures used in connection with an outdoor cafe shall be maintained with a clean and attractive appearance and shall be in good repair at all times.
6. No tables, chairs or any other fixtures used in connection with an outdoor cafe shall be attached, chained or in any manner affixed to any tree, post or sign.
7. Enclosures are not permitted in the public right-of-way, including for dining during the colder months. The addition of temporary structures within property lines must undergo appropriate reviews within the Building Department and, if applicable, Planning Commission.
8. No additional outdoor seating authorized herein shall be used for calculating eating requirements pertaining to the location of, applications for, or issuance of a liquor license for any establishment, nor shall the additional seats be used to claim any exemption from any other requirements of any city, county or state codes, ordinances and/or laws.
9. The opening and closing hours of the outdoor cafe shall not extend beyond the hours of operation for the business establishment holding the outdoor cafe permit, and in any event shall not extend later than 2:00 a.m.
10. The use shall not unduly impact nearby residential or commercial properties.
11. The permittee is responsible for repair of any damage to the sidewalk caused by the outdoor cafe.
12. No signs shall be permitted within the outdoor cafe area.
13. Permittee shall meet all other city, Wayne County and state regulations, laws or ordinances, and requirements before a permit is issued.
14. For applications involving alcohol sales: No permit will be issued until LCC approval is provided to the city.
15. No music, television or similar entertainment is allowed within the outdoor cafe area.
16. In the event the application involves use of the right-of-way between the sidewalk and the curb, the city will allow for the existing hard surface to remain and encourages decorative hard surface material to be used if newly added. Preferred hard surfaces include brick pavers, exposed aggregate, stamped concrete, tiles or other decorative hard surface subject to Wayne County approval.

17. Except as otherwise provided in subsection F or **if approved for year-around outdoor café permit**, the permittee shall have until November 8th to remove all objects relating to the outdoor cafe, except any existing decorative hard surface. **Equipment and amenities removed must be properly stored within the building or an approved shed on site.**

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**Section 2. Repealer Clause.** Any 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 3. Validity and Severability.** Should any portion of this Ordinance be found invalid for any reason, such a holding shall not be construed as affecting the validity of the remaining portions of the Ordinance.

**Section 4. Effective Date.** This Ordinance shall be effective twenty (20) days from and after its adoption by the City of Grosse Pointe Woods City Council.

AYES .....

NAYS .....

ABSENT .....

\_\_\_\_\_  
Arthur W. Bryant, Mayor

Attested:

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Paul Antolin, City Clerk

**CERTIFICATION OF CLERK**

I, Paul Antolin, City Clerk of the City of Grosse Pointe Woods, Wayne County, Michigan, do hereby certify that Ordinance No. \_\_\_\_ was adopted by the City Council of Grosse Pointe Woods, assembled in regular session on ~~June~~**April** \_\_\_\_, 2024. Said Ordinance was posted in the following places:

Notice of said posting was published in \_\_\_\_\_ (*insert newspaper*) on ~~June~~**February** \_\_\_\_\_, 2024.

\_\_\_\_\_  
Paul Antolin, City Clerk

First Reading: \_\_\_\_\_

Proposed Second Reading: \_\_\_\_\_

Published by Title: \_\_\_\_\_

Adopted: \_\_\_\_\_

Effective: .....

Published Final: .....