

**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 TO ADD SECTION 50-4.35 ROOFTOP DINING TO ALLOW FOR UNENCLOSED OR SEMI-ENCLOSED ROOFTOP DINING AS AN ACCESSORY USE FOR FOOD-BASED BUSINESSES IN THE C COMMERCIAL DISTRICT ALONG MACK AVENUE.

THE CITY OF GROSSE POINTE WOODS ORDAINS:

Section 1. The City of Grosse Pointe Woods Code of Ordinances, Chapter 50 - Zoning, Section 50-4.35 Rooftop Dining, is hereby amended to include regulations of rooftop dining as follows:

50.4.35 Rooftop Dining

Unenclosed or semi-enclosed rooftop dining areas are permitted in the C-Commercial district along Mack Avenue as an accessory use of a restaurant, café, bar, or similar establishment, with the following conditions:

- A. Upon approval, rooftop dining is to be permitted May-November annually.
- B. Before installation, the site plan, or amended site plan, must be submitted for review by the Planning Commission. The year following approval, the permit must be renewed annually with the Building Department.
- C. The establishment must provide a policy or certificate of insurance covering the area of the outdoor rooftop seating space.
- D. Safety barriers must be added on the perimeter of the dining area and any rooftop equipment shall be enclosed or screened from street level view using the same materials used for the building walls or a material which is approved by the Building Official as visually compatible with the existing architectural style and features of the building.
- E. The rooftop dining area must be setback at a minimum of 20 feet from any rear property line if abutting or across an alley from an R-District.
- F. If abutting a R-District, there must be a screening device, of 6 feet, installed at the rear of the building or dining area to protect the privacy of the abutting residential properties.
- G. The additional dining / service area must fulfil the requirements of off-street parking in section 50-5.3.
- H. Umbrellas are not permitted; however, secured canopies of durable material that can withstand strong winds may be used.

I. Any enclosure with rooftop amenities (including food and beverage service) or canopies for shade, may exceed the height limit of the district by 15 feet.

J. Outdoor performances and any other form of amplified sound in enclosed rooftop spaces shall cease between 10:00 PM and 7:00 AM when abutting or across the alley from an R-District or noise sensitive area. "Noise-sensitive area" means a residential dwelling, place of worship, school, or a hospital and also means an existing site that is maintained for public recreation for which quiet is a primary consideration in the use of the site.

K. Amplified sound shall not exceed 71 decibels within the commercial property and no more than 61 decibels at the residential property line.

Proposed Definition added to the Glossary: Rooftop dining to be permitted as an accessory seasonal use to a principal use such as a restaurant, café, or similar establishment, that offers seating space for socializing or dining that is either in an open-air, semi-open, or enclosed dining area. Unenclosed or Semi-Open refers to a space outlined by a parapet or partial walls but no doors.

Commented [BS1]: How should this be incorporated in this document?

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:

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: