

City of Grayling
Ordinance No. __-__-2024

AN ORDINANCE TO AMEND THE CITY OF GRAYLING ZONING ORDINANCE CONCERNING SIDEWALK CAFES.

THE CITY OF GRAYLING HEREBY ORDAINS:

Section 1: Amendment of Section 7.14

Section 7.14 Sidewalk Café Service (Outdoor Dining) of the City of Grayling Zoning Ordinance is hereby amended to read as follows:

A sidewalk cafe service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted in the CBD, C-1, C-3A, and C-3B Districts, subject to the following conditions:

7.14.1 Application.

An application and site plan depicting the location and layout of the cafe facility may be submitted to and approved by the Zoning Administrator. A permit shall remain in effect unless there is a change in ownership or the operation of the cafe fails to meet the standards contained herein.

7.14.2 Location.

A sidewalk cafe may be located in front of or adjacent to the establishment. A sidewalk cafe that extends beyond the property lines of the applicant's lot shall require the permission of the affected property owners. **If the Sidewalk Café is within the MDOT Right of Way, an approved MDOT permit must be submitted with the application.**

7.14.3 Sidewalk Café on a Public Sidewalk.

1. If a sidewalk cafe is located on a public sidewalk, a minimum of ~~eight (8)~~ **five (5)** feet of unobstructed, pedestrian access from the curb shall be maintained. Such requests shall adhere to the following:
2. Commercial General Liability Insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than \$1,000,000 per occurrence combined single limit, personal injury, bodily injury, and property damage. This coverage shall include an endorsement naming the city, including all elected and appointed officials, as an additional insured. This coverage must be primary and any other insurance maintained by the additional insureds shall be considered to be excess and non-contributing with this insurance, and shall include an endorsement providing for a 30-day advance written notice of cancellation or non-renewal to be sent to the Zoning Administrator.
3. The City shall not be held liable or responsible for any type of damage, theft, or personal injury which may occur as a result of a sidewalk cafe operation.

7.14.4 Operating Months and Hours; Design Standards for Enclosed Structures Sidewalk Café Barriers

1. A sidewalk cafe shall be allowed only during normal operating hours of the establishment and may be permitted between April 15 and October 31 except for regulations put forth in subsection 2. All furniture and fixtures must be removed immediately after October 31.

2. Businesses may apply for a sidewalk café permit for the months outside of those stated in subsection 1 above and shall adhere to the following:

~~All rules shall be followed except for the months in subsection 1 above.~~

a. Snow removal will be handled by the property owner for the occupied space.

b. ~~Structures~~ Barriers will need to be anchored down but may not be attached to the sidewalk. If anchoring to the sidewalk is the only option, then a plan would need to be approved by the city manager and DPW director.

3. To help keep the ~~enclosed structures~~ sidewalk café barriers aesthetically pleasing there are design standards below:

~~Shall be either a pre-fabricated structure designed by a manufacturer or architecturally designed.~~

~~Shall have at least one (1) window pane, not including the door.~~

a. Barriers shall not exceed forty-eight (48) inches in height and entrances shall be a minimum of thirty-six (36) inches.

b. Barriers shall be designed with applicable building code requirements, and installed for their intended use.

c. Scrap lumber, plywood, woven wire, sheet metal, plastic or fiberglass sheets, chain link fencing, or old doors are specifically prohibited.

d. Barriers shall be maintained to retain their original appearance, shape, and configuration. Elements of a barrier that are missing, damaged, destroyed, or deteriorated shall be replaced and repaired to maintain conformity with the original appearance and design.

7.14.5 Other.

1. The exterior of the premises shall be kept clean, orderly, and maintained or the permit may be revoked. Waste receptacles shall be provided in instances where wait staff does not clear all tables. In cases where outdoor dining areas are provided for general use by more than one business, such as for shopping plazas and multi-tenant businesses, it shall be the responsibility of the property owner to ensure the area is maintained in a clean and orderly fashion.

2. All food preparation shall be inside of the premises. Outdoor grilling must be authorized by the Zoning Administrator.

3. All sidewalk cafes shall comply with applicable regulations of the County District Health Department and the State of Michigan.

Section 2: Severability

If any clause, sentence, paragraph, or part of this Ordinance shall for any reason be finally adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder of this Ordinance but shall be confined in its operation to the clause, sentence, paragraph or part thereof directly involved in the controversy in which such judgment is rendered.

Section 3: Effective Date

The ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the City.

Ordinance No. ____ - ____ -202__ was adopted on the ____ day of _____, 202__, by the Grayling City Council as follows:

Motion by: _____

Seconded by: _____

Yeas: _____

Nays: _____

Absent: _____

, Clerk

, Mayor

I certify that this is a true copy of Ordinance No. ____ - ____ -2024 that was adopted at a regular meeting of the Grayling City Council on _____, 2024 and published in the Crawford County Avalanche on _____, 2024.

Dated: _____

, Clerk