

cityofnovi.org

CITY of NOVI CITY COUNCIL

Agenda Item H
July 23, 2012

SUBJECT: Approval of Zoning Ordinance Text Amendment 18.258 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2524, "Outdoor Restaurants" in order to revise the approval process and provisions for outdoor seating. **SECOND READING**

SUBMITTING DEPARTMENT: Community Development Department - Planning *Barb*

CITY MANAGER APPROVAL: *[Signature]*

BACKGROUND INFORMATION:

The City has a number of sit-down restaurants with approved outdoor seating and new and existing restaurants show a continual interest in providing outdoor seating areas for their patrons. The earlier-than-usual spring weather in March led a number of restaurants to inquire about commencing outdoor seating before the date allowed in the Zoning Ordinance (April 15th).

Additionally, the City Administration has received some inquiries from restaurants that do not currently have approved outdoor seating areas and would like to do so. Among the concerns expressed is the potential cost of preparing an engineered/sealed site plan in accordance with the provisions of Section 2516 of the Zoning Ordinance.

In response to these comments, the City Council passed a resolution at their March 26th meeting to temporarily suspend the April 15th outdoor seating commencement date and to allow restaurants to submit an application for outdoor seating approval that provides sufficient information for the Building Official to determine compliance with the outdoor seating provisions of the Zoning Ordinance (Section 2524). Additionally, the resolution directed the Planning Commission to examine the outdoor seating standards and forward a recommendation to the City Council. The approved resolution and relevant meeting minutes are attached.

The attached ordinance amendment would allow outdoor seating to commence on March 1st (instead of April 15th through November 30th) and would permit the submission of outdoor seating applications that provide enough information to determine compliance with ordinance standards but that do not have to be signed and sealed by a registered architect or engineer. The ordinance for outside dining is provided in order to allow outside seating in districts that may not otherwise allow outside uses, to provide standards that will maintain pedestrian access on sidewalks for ingress and egress from doorways, and to insure that outdoor seating areas will be well-maintained with the removal of materials at the end of the season to avoid the clutter of outside storage of tables and chairs during the winter months.

In most cases, the amendments would shift the review and approval process to the Building Official instead of the Planning Division. If more than 20 seats are proposed or if

landscape or hardscape changes are proposed, the plan would need to be prepared, signed and sealed by a registered architect or engineer and would follow the normal site plan review process through the Planning Division.

The Planning Commission held the required public hearing and recommended adoption of the amendment on June 13th. The Planning Commission recommended approval of the proposed amendment with the reference to "20 seats" being changed to "20 occupants" to clarify the intent of the requirement. Relevant meeting minutes are attached.

The City Council approved the first reading of the amendment on July 2nd noting one additional instance in the text where the term "seat" should be changed to "occupant". Staff has made this change in the attached strike-through and clean versions of the amendment. Relevant draft meeting minutes are attached.

RECOMMENDED ACTION: Approval of Zoning Ordinance Text Amendment 18.258 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2524, "Outdoor Restaurants" in order to revise the approval process and provisions for outdoor seating.
SECOND READING

	1	2	Y	N
Mayor Gatt				
Mayor Pro Tem Staudt				
Council Member Casey				
Council Member Fischer				

	1	2	Y	N
Council Member Margolis				
Council Member Mutch				
Council Member Wrobel				

**PROPOSED ORDINANCE AMENDMENTS
STRIKE-THROUGH**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 258

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2524, OUTDOOR RESTAURANTS; IN ORDER TO REVISE THE APPROVAL PROCESS AND PROVISIONS FOR OUTDOOR SEATING.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Section 2500. – Section 2523. [unchanged]

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 2516a~~ plan providing sufficient information to determine compliance with Section 2524 shall be submitted for review and approval by the Building Official. 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~~ March 1st 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 a 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 ~~wait staff or~~ alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable materials 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-of-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 ~~occupants~~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 ~~the~~ outside restaurant ~~will~~shall be consistent with the hours of operation of the inside restaurant.

~~g~~h. If the seating area proposed contains more than 20 occupants or if hardscape or landscape improvements are proposed as part of the outdoor seating area, a site plan prepared in accordance with Section 2516 shall be submitted for administrative review and approval by the Planning Division staff.

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

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

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

**PROPOSED ORDINANCE AMENDMENTS
CLEAN**

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 12- 18 – 258

AN ORDINANCE TO AMEND ORDINANCE NO. 97-18 AS AMENDED, THE CITY OF NOVI ZONING ORDINANCE AT ARTICLE 25, GENERAL PROVISIONS, SECTION 2524, OUTDOOR RESTAURANTS; IN ORDER TO REVISE THE APPROVAL PROCESS AND PROVISIONS FOR OUTDOOR SEATING.

THE CITY OF NOVI ORDAINS:

Part I. That Ordinance No. 97-18, the City of Novi Zoning Ordinance, as amended, hereby amended to read as follows:

ARTICLE 25. GENERAL PROVISIONS

Section 2500. – Section 2523. [unchanged]

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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, a plan providing sufficient information to determine compliance with Section 2524 shall be submitted for review and approval by the Building Official. Outdoor seating areas shall also comply with all applicable building and fire codes. 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 March 1st 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 a 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 alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable materials 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-of-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 occupants 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 the outside restaurant shall be consistent with the hours of operation of the inside restaurant.
 - h. If the seating area proposed contains more than 20 occupants or if hardscape or landscape improvements are proposed as part of the outdoor seating area, a site plan prepared in accordance with Section 2516 shall be submitted for administrative review and approval by the Planning Division staff.

Part II

Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III.

Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

PART IV.

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

PART V.

Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 103 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 A.M. to 5:00 P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

MADE, PASSED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2012.

ROBERT J. GATT, MAYOR

MARYANNE CORNELIUS, CITY CLERK

Ayes:
Nays:
Abstentions:
Absent:

CITY COUNCIL MEETING MINUTES
July 2, 2012 – EXCERPT

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, JULY 2, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis (Absent Excused), Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney

APPROVAL OF AGENDA:

CM-12-07-102 Moved by Wrobel, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented.

Roll call vote on CM-12-07-102	Yeas: Staudt, Casey, Fischer, Mutch, Wrobel, Gatt
	Nays: None

MATTERS FOR COUNCIL ACTION

3. Consideration of Zoning Ordinance Text Amendment 18.258 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2524, "Outdoor Restaurants" in order to revise the approval process and provisions for outdoor seating. **First Reading**

City Manager Pearson said there was a positive recommendation from the Planning Commission. It streamlines and expands the outdoor seating option for restaurants.

Member Mutch said he was glad to see this move forward. This was one of the things that he worked on earlier. It allows an easier process for restaurants and community to add outdoor seating. He was glad to see additional ways that we can make this work even better for our business community.

CM-12-07-106 Moved by Mutch, seconded by Wrobel; CARRIED UNANIMOUSLY:

To approve the First Reading of the Zoning Ordinance Text Amendment 18.258 to amend the City of Novi Zoning Ordinance at Article 25, "General Provisions" Section 2524, "Outdoor Restaurants" in order to revise the approval process and provisions for outdoor seating.

Member Fischer asked City Attorney Schultz if it would be wise to clarify the intent in subsection H there as well or are we trying to accomplish something different by having seats instead of occupants as in page 2, letter "F". City Attorney Schultz said he will take a look at it before the second reading.

Roll call vote on CM-12-07-106

**Yeas: Wrobel, Gatt, Staudt, Casey,
Fischer, Mutch**

Nays: None

CITY COUNCIL RESOLUTION

CITY OF NOVI

COUNTY OF OAKLAND, MICHIGAN

**RESOLUTION RELATING TO REQUIREMENTS FOR OUTDOOR SEATING
PERMITTED UNDER THE ZONING ORDINANCE**

Minutes of a Meeting of the City Council of the City of Novi, County of Oakland, Michigan, held in the City Hall of said City on March 26, 2012, at 7:00 o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers Gatt, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel

ABSENT: None

The following preamble and Resolution were offered by Councilmember Margolis and supported by Councilmember Fischer.

WHEREAS, the City of Novi Zoning Ordinance, Section 2524, provides standards for approval and operation of outdoor seating areas for sit-down restaurants in the City; and

WHEREAS, the standards as written (a) require administrative site plan review in accordance with Section 2516 for seating areas proposed to be added to an existing business, which can be read to include sealed engineering drawings and other formal submission requirements; and (b) prohibit outdoor seating between April 15 and November 30; and

WHEREAS, it appears that the limitation on the date for use of outdoor seating areas may be too restrictive, given that weather conditions may permit the use of such seating areas well in advance of April 15 in any given year; and

WHEREAS, the standards for securing site plan approval of outdoor seating areas may be unnecessarily onerous for a use that may not always require full and complete sealed professional drawings as contemplated by Section 2516, depending on the extent of the use; and

WHEREAS, the options for amending these rules by way of Zoning Ordinance amendments will necessarily take time to process through the statutory amendment process; and

WHEREAS, the City Council finds that it would be appropriate to adjust the standards for 2012 while the Planning Commission commences and completes that review process.

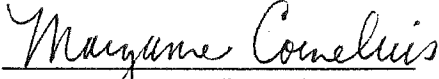
NOW THEREFORE, IT IS THEREFORE RESOLVED AS FOLLOWS:

1. The limitation on use of outdoor seating areas from March 15 through April 15 is hereby suspended; and
2. The requirement that administrative site plan review be in "full accordance" with Section 2516 is hereby determined to allow an applicant to provide a drawing/plan that has sufficient detail by which the Planning Staff is able to confirm compliance with all of the other requirements of Section 2524; and
3. The Planning Commission is directed to commence review of these ordinance requirements and respond with a report and recommendation to the City Council by or before August 1, 2012.

AYES: Gaff, Staudt, Casey, Fischer, Margolis, Mutch, Wrobel (7)


NAYS: None (0)

RESOLUTION DECLARED ADOPTED.


Maryanne Cornelius, City Clerk

CERTIFICATION

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the City Council of the City of Novi, County of Oakland, and State of Michigan, at a regular meeting held this 26th day of March, 2012, and that public notice of said meeting was given pursuant to and in full compliance with Act No. 267, Public Acts of Michigan, 1976, and that the minutes of said meeting have been kept and made available to the public as required by said Act.


Maryanne Cornelius, City Clerk
City of Novi

CITY COUNCIL MEETING MINUTES
March 26, 2012 – EXCERPT

**REGULAR MEETING OF THE COUNCIL OF THE CITY OF NOVI
MONDAY, MARCH 26, 2012 AT 7:00 P.M.
COUNCIL CHAMBERS – NOVI CIVIC CENTER – 45175 W. TEN MILE ROAD**

Mayor Gatt called the meeting to order at 7:00 P.M.

PLEDGE OF ALLEGIANCE

ROLL CALL: Mayor Gatt, Mayor Pro Tem Staudt, Council Members Casey, Fischer, Margolis, Mutch, Wrobel

ALSO PRESENT: Clay Pearson, City Manager
Victor Cardenas, Assistant City Manager
Tom Schultz, City Attorney
Julie Farkas, Library Director
Rob Hayes, City Engineer
Brian Coburn, Engineering Manager
Barb McBeth, Deputy Community Development Director
David Malloy, Chief of Police/Director of Public Safety

APPROVAL OF AGENDA

CM-12-03-35 Moved by Margolis, seconded by Casey; CARRIED UNANIMOUSLY:

To approve the Agenda as presented

Roll call vote on CM-12-03-35 **Yeas: Staudt, Casey, Fischer, Margolis
Mutch, Wrobel, Gatt**
Nays: None

CONSENT AGENDA REMOVALS AND APPROVALS (See items A-O)

CM-12-03-36 Moved by Margolis, seconded by Fischer; CARRIED UNANIMOUSLY:

**To approve the Consent Agenda with the removal of item F for
Council Action.**

Roll call vote on CM-12-03-36 **Yeas: Casey, Fischer, Margolis, Mutch,
Wrobel, Gatt, Staudt**
Nays: None

- A. Approve Minutes of:
 - 1. March 12, 2012 – Regular meeting

- B. Enter Executive Session immediately following the regular meeting of March 26, 2012 in the Council Annex for the purpose of discussing pending litigation, labor negotiations, property acquisition and privileged correspondence from legal counsel.

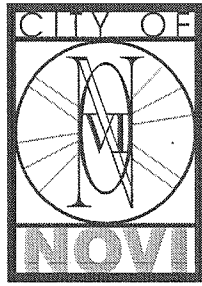
- C. Approval to award bid for the purchase of Fire Department protective turnout gear to Apollo Fire Equipment, the lowest qualified bidder, in the amount of \$26,550.
- D. Approval of Traffic Control Orders 12-01 and 12-02 for traffic control signs within Willowbrook Farms No. 4 subdivision.
- E. Acceptance of a quit claim deed from City of Novi for the dedication of 60-foot right-of-way for the existing location of South Lake Drive and acceptance of a quit claim deed from the City of Novi for dedication of 60-foot right-of-way for the existing location of East Lake Drive in the vicinity of Pavilion Shore Park.
- F. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for Pavilion Shore Park Phase 3 located at 13 Mile and Old Novi Road. **REMOVED FOR COUNCIL ACTION**
- G. Approval of Resolution authorizing submission of a Michigan Natural Resources Trust Fund (MNRTF) grant application for ITC Connector Trail between ITC Transmission Corridor and 8 Mile within ITC Community Sports Park with Trailhead located in ITC Community Sports Park.
- H. Approval of Resolution regarding Temporary Promotional Signage for businesses along Grand River Avenue (between Haggerty and Novi Roads) allowing temporary relief from the Sign Ordinance from March 27 through September 15, 2012.
- I. Approval of MERS Hybrid Program (Benefit Program H) and Defined Contribution Component Resolutions for POLC (Police Officers Labor Council) new hires effective April 1, 2012, pursuant to the arbitration ruling on March 15, 2012.
- J. Approval of Resolution for Changing MERS benefits for the POLC (Police Officers Labor Council) Division 02 for: (a) Earlier Normal Retirement from F25 (25 years of service and out) to F25/50 (25 years of service and age 50), and (b) for purposes of computation of final average compensation to include a cap of 350 overtime hours annually, effective April 1, 2012, pursuant to the arbitration ruling on March 15, 2012.
- K. Adoption of Resolution to Amend the VantageCare Retirement Health Savings (RHS) Program to include the POLC (Police Officers Labor Council), effective April 1, 2012 for POLC new hires, pursuant to the arbitration ruling on March 15, 2012; and to clarify eligibility for all groups.
- L. Approval to extend the 2010 Electrical Services contract (an annual contract with two one year renewal options) with Great Lakes Power & Lighting, Inc. for one year based on the same terms, conditions and pricing as the original



contract at an estimated amount of \$50,000 - \$70,000. This is the second and final renewal option for this contract.

- M. Approval to adopt Resolution relating to requirements for Outdoor Seating Permitted under the Zoning Ordinance.
- N. Approval of application from Blue Ribbon Restaurants Novi, LLC to transfer all membership interest in 2011 Resort Class C licensed Limited Liability Company issued under MCL 436.1531(4), located at 43350 Crescent, Novi, MI 48375, Oakland County, wherein Elliot J. Baum transfers 0.9% membership interest each to new members Aaron Baum, Natalie Baum, and Steven Baum, on or about August 25, 2011, by dropping Alon D. Kaufman as member through transfer of 55% membership interest to the Limited Liability Company, August 31, 2011; and wherein member Elliot J. Baum transfers 94% membership interest to new member, BR Restaurant Holdings, LLC, and members Aaron Baum, Natalie Baum, and Steven Baum each transfer 2% membership interest to new member, BR Restaurant Holdings, LLC, on or about October 2, 2011.
- O. Approval of Claims and Accounts – Warrant No. 864

PLANNING COMMISSION MEETING MINUTES
June 13, 2012 – EXCERPT



PLANNING COMMISSION MINUTES

Amended and Approved

CITY OF NOVI

Regular Meeting

June 13, 2012 7:00 PM

Council Chambers | Novi Civic Center | 45175 W. Ten Mile
(248) 347-0475

cityofnovi.org

CALL TO ORDER

The meeting was called to order at or about 7:00 PM.

ROLL CALL

Present: Member Baratta, Member Gutman, Member Lynch, Chair Pehrson, Member Prince

Absent: Member Anthony (excused); Member Greco (excused)

Also Present: Barbara McBeth, Deputy Director of Community Development; Kristen Kapelanski, Planner; Beth Kudla-Saarela, City Attorney; Sarah Fleming, Planner

PLEDGE OF ALLEGIANCE

Member Prince led the meeting attendees in the recitation of the Pledge of Allegiance.

APPROVAL OF AGENDA

Moved by Member Gutman, seconded by Member Baratta:

VOICE VOTE ON THE AGENDA APPROVAL MOTION MADE BY MEMBER GUTMAN AND SECONDED BY MEMBER BARATTA:

Motion to approve the June 13, 2012 Planning Commission Agenda. Motion carried 5-0.

PUBLIC HEARINGS

3. ZONING ORDINANCE TEXT AMENDMENT 18.258 FOR OUTDOOR RESTAURANTS

Public hearing for Planning Commission's recommendation to the City Council for an ordinance to amend the City of Novi Zoning Ordinance at Article 25, General Provisions, Section 2524, Outdoor Restaurants; in order to revise the approval process and provisions for outdoor seating.

Planner Kapelanski stated this is in response to inquiries received from several business owners regarding the permitted opening date for outdoor seating areas and the plan submittal requirements for restaurants to have outdoor seating areas. In response to these comments the City Council passed a resolution temporarily suspending the provisions for the start of outdoor seating and the submittal requirements to receive approval of an outdoor seating area. The Council also directed the Planning Commission to examine the current standards. Staff has drafted the proposed amendments to the outdoor seating ordinance in response to those concerns. The amendment would change the permitted outdoor seating start date to March 1st instead of April 15th and would permit outdoor seating plans to be submitted without the seal of a registered architect or engineer. In most cases, approval would shift to the Building Official. The Planning Commission is asked to hold a public hearing and make a recommendation to City Council.

Chair Pehrson opened the public hearing. No one from the audience wished to speak and there was no correspondence. Chair Pehrson closed the public hearing.

Chair Pehrson asked, relative to the 20 seats verses the 21 seats or 19 seats, does it make sense to try to affix some kind of required square footage to this ordinance instead of a number of seats?

Planner Kapelanski answered the plans in the past have been limited by the amount of space they have on their sidewalk. The 20 seats hasn't been much of a detriment; it's in there because if the seats should go passed 20 then they parking requirements have to be reviewed again.

Chair Pehrson then asked if 20 seats equates to occupants. If there is a seat that fits more than one person, is that one person count?

Planner Kapelanski answered back saying no, staff would look at that as more than one seat.

Chair Pehrson asked if seats should be changed to occupants.

Planner Kapelanski agreed that would make sense.

Motion made by Member Lynch, seconded by Member Gutman:

ROLL CALL VOTE ON THE ZONING ORDINANCE TEXT AMENDMENT 18.258 MOTION MADE BY MEMBER LYNCH AND SECONDED BY MEMBER GUTMAN:

Motion to recommend approval of Text Amendment 18.258 with the following amendment: "seats" should be changed to "occupants" to clarify the intent of the ordinance. *Motion carried 5-0.*