



CITY of NOVI CITY COUNCIL

Agenda Item M
March 26, 2012

SUBJECT: Approval to adopt Resolution Relating to Requirements for Outdoor Seating Permitted under the Zoning Ordinance.

SUBMITTING DEPARTMENT: Community Development *cm*

CITY MANAGER APPROVAL: 

BACKGROUND INFORMATION:

The City has a number of sit-down restaurants with approved outdoor seating. In light of the recent fair weather, a number of these restaurants have either inquired about commencing outdoor seating before the date allowed in the Zoning Ordinance (April 15), or have simply gone ahead and started using their outdoor seating areas. While removal of unused tables and chairs remains appropriate during the winter months, the recent warmth allows and encourages early season use.

In addition, the City Administration has received some inquiries from restaurants that would otherwise be entitled to apply for outdoor seating use approval. Among the concerns expressed is the potential cost of preparing a perfectly-compliant engineered/sealed site plan in accordance with the provisions of Section 2516 of the Zoning Ordinance. In some cases, the areas are quite small and staff has frankly questioned whether such formal submission is necessary.

Attached is a short Resolution that does three things. The first is to "suspend" the April 15 commencement date. The second is to deem that an application that provides sufficient information for the Building Official to determine compliance with the outdoor seating provisions of the outdoor seating requirements of the ordinance will be sufficient to meet the standards of Section 2516. And the third is to direct the Planning Commission to take a look at the two standards to see if they need to be altered in some fashion.

This is intended to be a one-time action, with follow up by the Planning Commission required.

RECOMMENDED ACTION:

Approval to adopt Resolution Relating to Requirements for Outdoor Seating Permitted under the Zoning Ordinance.

	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				

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 _____, _____, at ____ o'clock P.M. Prevailing Eastern Time.

PRESENT: Councilmembers _____

ABSENT: Councilmembers _____

The following preamble and Resolution were offered by Councilmember _____ and supported by Councilmember _____.

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 early as mid- to late-March in any given year; and

WHEREAS, the standards for securing site plan approval of outdoor seating areas may be unnecessarily onerous 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 Building Official 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:

NAYS:

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 ____ day of _____, 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