

# City of Ecorse Outdoor Dining Application

Building Department

3869 W. Jefferson / Ecorse, MI 48229

Phone: (313) 386-3636 / Fax: (313) 386-4316

ONE TIME EVENT

SEASONAL

**DATE of APPLICATION:** \_\_\_\_/\_\_\_\_/\_\_\_\_

## **BUSINESS/RESTAURANT**

Name: \_\_\_\_\_

Phone: \_\_\_\_\_

Address: \_\_\_\_\_

## **OWNER INFORMATION**

Name: \_\_\_\_\_

Cell: \_\_\_\_\_

Address: \_\_\_\_\_

Driver's License #: \_\_\_\_\_

Email: \_\_\_\_\_

Date of Birth: \_\_\_\_\_

Phone: \_\_\_\_\_

## **APPLICATION CHECKLIST**

All of the following documents must be submitted with your completed application form. Please check the box for each document that you have provided.

- A check for the complete fee (see fee schedule for \$ amount)
- Five (5) printed sets of plans on 8.5x11 inch paper, depicting all the information required by Sec.12.17 of the Ecorse City Code
- A digital PDF of the sketch plans, either emailed to the Building Department or provided on a USB stick with the printed plans

### *Additional Materials (if applicable):*

- A copy of the approval from the approval from the Michigan Liquor Control Commission (MLCC) for outdoor liquor service.
- A Certificate of Fire Retardancy (required for any tents or similar structures).

## **APPLICANT ACKNOWLEDGEMENT**

I hereby certify that I have read and understand Chapter 12 Section 12.17 of the Ecorse City Code. This application must be approved by the City before a permit can be issued, and incomplete applications will not be processed and will be returned to the applicant. This application is for the current permit year only, all permits expire annually on December 31, and it is the responsibility of the applicant to apply annually.

\_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_  
PRINT SIGN DATE

### **REVIEWS – For City Use Only**

### **PERMIT NO.**

**BUILDING** Approve-Deny re: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_

**PLANNING** Approve-Deny re: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_

**FIRE** (if applies) Approve-Deny re: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ By: \_\_\_\_

## 7.19. - Outdoor dining.

Outdoor dining service operated by a restaurant or other food establishment which sells food for immediate consumption may be permitted, subject to the following conditions:

- A. Outdoor seating/dining shall be included as part of an approved site plan.
- B. An outdoor cafe shall be allowed during normal operating hours of the establishment.
- C. An outdoor cafe may not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- D. The exterior of the premises shall be kept clean, orderly, and maintained. Exterior food preparation may be permitted if approved by the health department but shall be prohibited from occurring in any public right-of-way.
- E. Any outdoor seating located within the public right-of-way must be approved by the planning commission.

Sec. 12-17.1. - Permanent outdoor dining.

Permanent outdoor dining shall adhere to the standards of section 7.19 of the zoning ordinance (appendix A).

All applications for permanent outdoor dining shall adhere to the site plan review and amendment process, as specified in article 8 of the zoning ordinance (appendix A).

(Ord. of 7-12-22)

Sec. 12-17.2. - Temporary outdoor dining.

From the months of May to September, temporary outdoor dining facilities may be permitted adjacent to indoor dining establishments. All temporary outdoor dining facilities shall be subject to the following conditions. All temporary outdoor dining facilities:

- (1) Shall require a review and permit issued by the building department and/or the zoning administrator. All permits shall be issued on a calendar year basis and shall expire on December 31st of each year.
- (2) Shall be subject to an application fee, set by the City of Ecorse fee schedule at the time of application.
- (3) *Hours.*
  - a. Shall be allowed during normal operating hours of the establishment.
  - b. Shall not be in operation on property adjacent to a residentially zoned district between the hours of 12:00 a.m. and 7:00 a.m.
- (4) *Safety.*
  - a. Must comply with all applicable fire department and code regulations and requirements, including approval for outdoor tents, to ensure fire department access is not impeded.
  - b. Must comply with all state and Wayne County Health Department regulations.
  - c. Must comply with the Michigan Building Code.
  - d. Any tents or canopies must be securely anchored down and obtain the appropriate permits from the fire and/or building departments.
- (5) *Location.*
  - a. Outdoor dining shall be permitted on private property on the same property as the principal establishment.
  - b. Outdoor dining space cannot occupy existing required vegetative buffers.
  - c.

Outdoor seating must not impede or otherwise impact ingress or egress to any buildings or the property. Seating areas and pathways must also comply with State of Michigan Barrier-Free and Federal ADA requirements and may not block handicap spaces or entrances.

- d. Any outdoor seating located within the public right-of-way must be approved by the planning commission.
- e. If an outdoor dining area is located on a private sidewalk or within a public right-of-way, a minimum forty-six (46) inch wide unobstructed pathway shall be maintained on the sidewalk, for pedestrian traffic.

(6) *Furnishings.*

- a. The outdoor dining space or personal service station must be separated from sidewalks and driveways by means of landscaping, planters, fences or railings. If tables or chair/stations are located within a parking space or area, a substantial, temporary physical barrier must be placed separating the dining from the remaining parking in a manner that keeps patrons safe from traffic, and that ensures adequate parking remains for staff and patrons. Temporary physical barriers may include, but not be limited to, wheel chocks, planter boxes, fencing, platforms, etc., or a combination thereof. Barriers must be decorative and may not exceed four (4) feet in height.
- b. All barriers must be heavy enough not to be carried away by typical wind gusts, and should be made of sturdy materials like wood, metal, or another material as approved by the zoning administrator.
- c. All tables, chairs, and other dining accessories must be heavy enough not to be carried away by typical wind gusts, and should be made of sturdy materials like wood, metal, or another material as approved by the zoning administrator. It is also encouraged, but not required, that business owners bring these items inside or lock them together outside during non-operational hours.
- d. Lighting associated with outdoor dining shall be subject to the lighting standards in the zoning ordinance (appendix A). String lights shall be permitted provided that they shall not create a nuisance or safety hazard for adjoining properties, motorists, or pedestrians, as determined by the zoning administrator. Rope lights shall not be permitted as a form of string light.

(7) *Sanitation.*

- a. The exterior of the premises shall be kept clean, orderly, and maintained.
- b. All food and beverages to be served in an outdoor dining area shall be prepared inside the principal establishment.
- c. Any waste receptacles used for the outdoor dining area shall be emptied and neatly stored while such establishment is closed for outdoor dining.

- (8) *Alcohol service.* Outdoor dining areas offering alcoholic beverage service shall be subject to the following requirements:
- a. Approval from the Michigan Liquor Control Commission (MLCC) to serve alcohol in an outdoor area.
  - b. Alcohol shall only be served to seated patrons engaging in outdoor dining at the principal establishment, except those standing in a defined bar area.
  - c. Alcoholic beverages shall only be prepared inside of the principal establishment.
  - d. Employees shall supervise the area in which alcohol is being consumed at all times.
  - e. Alcoholic beverages shall not be consumed outside of the establishment's indoor and/or outdoor space designated for dining.
- (9) *Storage.* From September 30th to May 1st, all furniture and fixtures, including but not limited to, chairs, tables, umbrellas, temporary barriers, temporary planters, signs, and waste receptacles, shall be removed from the outdoor dining area and shall not be stored outside. It shall be the responsibility of the principal establishment to secure adequate storage of these items in an area other than the principal establishment's dining area.
- (10) *Submittal requirements.* All applications for temporary outdoor dining shall include:
- a. A completed application form, signed by the applicant and property owner.
  - b. The complete fee, as set by the City of Ecorse Fee schedule.
  - c. Five (5) printed sets of plans (which can be a combination of sketches, photos, and written information) on eight and one-half (8½) inch by eleven (11) inch paper, showing the following to scale:
    1. An aerial (top-down) sketch plan showing the locations of the proposed outdoor dining spaces (with the total area and dimensions marked in feet), the location of the temporary barriers, the location of all barrier-free spaces and entrances, and the location of any dumpsters or loading spaces for garbage pickup.
    2. The number of proposed seats and a picture of the table/chairs that are to be used.
    3. The number of temporary barriers to be used and a sample picture of the barrier (fence, planter, etc.).
    4. Any additional information determined to be necessary by the zoning administrator or building Official to ensure the health and safety of the community.
  - d. A PDF of the aforementioned required set of plans, to be emailed to the zoning administrator and building official.
  - e. All required licenses from applicable state and county agencies, depending on the project, such as a certificate of fire retardancy and/or approval from the Michigan Liquor Control Commission (MLCC).

(Ord. of 7-12-22)

Sec. 12-17.3. - Violations.

- (a) Any person who operates a sidewalk cafe or outdoor seating on public sidewalks or public property, without a permit, or who shall violate any of the provisions of this article shall be responsible for a municipal civil infraction, punishable by a civil fine of not more than five hundred dollars (\$500.00) and the costs of prosecution.
- (b) The city may suspend or revoke any permit issued, or deny the issuance of a permit, regardless of whether the operator has been cited, paid a civil fine, or been found responsible for a violation of this article pursuant to this section.

(Ord. of 7-12-22)

Sec. 12-17.4. - Severability.

If any clause, sentence, paragraph or part of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

(Ord. of 7-12-22)