

(Public Hearing Date March 08, 2024)
STATE OF MICHIGAN
VILLAGE OF STOCKBRIDGE

ORDINANCE NO. _____
(Enacted _____)

**AN ORDINANCE APPROVING
TEXT AMENDMENT TO CHAPTER VI, ARTICLE IV ADDING NEW
SECTION 6-81 REGARDING ACCESSORY OUTDOOR DINING AREAS.**

Recitals

WHEREAS, the Village of Stockbridge (hereinafter, the “Village”) has adopted the Village of Stockbridge Zoning and Land Use Ordinance (hereinafter, the “Zoning Ordinance”) on October 1, 2019, which was adopted under the *Zoning Enabling Act of 2006*; and

WHEREAS the Planning Commission had received numerous complaints from Village Residents regarding the appearance of “blank facades” facing streets, creating an unattractive eyesore and/or reflective light affecting other business; and

WHEREAS the Planning Commission, therefore, determined text amendments were warranted to said ordinances to provide requirements for the construction of facades of commercial buildings as to prevent hazardous condition, prevent constructing unattractive building, and to maintain the historic quality of the Village; and

WHEREAS the Planning Commission met to develop revisions to the Zoning Ordinance; and

WHEREAS, during this process the Village Zoning Administrator reviewed the drafts, attended a Planning Commission meeting where her comments and concerns were considered, and the draft text amendments were adjusted based on the same; and

WHEREAS the Planning Commission is therefore charged with coming up with the proposed language of the amendment and then scheduling a public hearing

to take public comment on the proposed amendment, pursuant to Section 6-329 (a) of the Zoning Ordinance; and

WHEREAS, the Planning Commission has determined, via this Amendment, proposed text Amendments to new Section 6-81 – Accessory Outdoor Dining Areas of the Zoning Ordinance, as set forth below; and

WHEREAS the Planning Commission proposed to consider the language of the proposed text Amendments, set a public hearing, and took public comment at 6:30 p.m. on Thursday, February 01, 2024, for Section 6-81 which the Village Clerk issued the required notices as prescribed by MCL 125.3103 and MCL 125.3202; and

WHEREAS, after taking into consideration the public’s comments, Section 6-329 (b) of the Zoning Ordinance required the Planning Commission to identify and evaluate all factors relevant to the petition and report its findings and recommendation to the Village Council, taking into consideration the criteria for amendments of the official Zoning Ordinance set forth in Section 6-331 of the Zoning Ordinance; and

WHEREAS all costs incurred by the Village in developing these amendments shall be charged to the Applicant, Village of Stockbridge, in accordance with Article III, Section 6.47, including the actual costs incurred by the Village, the Planning Commission, and/or the Zoning Administrator for:

- A. Any publication or mailing costs required by this Ordinance and/or state law;
- B. Any traffic reports deemed necessary to complete the processing of the request;
- C. Any legal services deemed necessary to complete the processing of the request;
- D. Any planner fees deemed necessary to complete the processing of the request;
- E. Any Zoning Administrator fees deemed necessary to complete the processing of the request;
- F. Any topographic studies deemed necessary to complete the processing of the request;
- G. Any engineering services deemed necessary to complete the processing of the request;

- H. Any other fees incurred by any other consultants deemed necessary by the above-named governmental officials and/or entities to complete the processing of the request; and

WHEREAS, the Planning Commission, after considering the input from the public hearing set forth above, in accordance with the Zoning Ordinance and the Zoning Enabling Act and considering the criteria of Section 6-331 (a) - (h), recommended adoption of the proposed text amendments to add new Section 6-82 to the Village Council.

Ordinance

SECTION 1: Chapter 6, Article IV, Section 6-81 is added in its entirety to read as follows:

Sec. 6-52. Accessory outdoor dining areas:

Accessory outdoor dining areas are permitted by right when accessory to a permitted or special land use is subject to the following:

- (1) Outdoor dining shall be permitted as an accessory to another permitted dining use in the applicable zoning district but shall at no time be used for any retail display or sales.
- (2) Outdoor dining requests shall require site plan review by the Planning Commission in compliance with Section 6-45 regarding site plan review.
 - (2.1) In the case of outdoor dining being added to an existing permitted dining use, instead of a formal site plan, the Zoning Administrator may initially permit a submittal of a sketch plan so long as it is drawn to scale and shows all relevant items of the site needed to review the request. Additional information, up to and including a formal site plan, may be requested by either the Zoning Administrator or Planning Commission after review of the sketch.
 - (2.2) Once initial approval of the outdoor dining has been granted by the Planning Commission, it shall be valid for a period of one (1) year and may be renewed annually by the Zoning Administrator, after inspection providing the outdoor dining area continues to comply with the original Planning Commission approval.
 - (2.3) The Zoning Administrator may defer a decision on renewal of the outdoor dining approval to the Planning Commission, if the Zoning

Administrator determines additional review is needed due to 1) changes to the approved site plan, 2) existing or reoccurring violations of this Ordinance and the approved use, or 3) the existence of other unforeseen conditions.

- (3) Outdoor dining is only permitted between April 15 and October 31. All furniture and fixtures must be removed immediately after October 31 from the outdoor dining area.
- (4) Outdoor dining areas shall not be the primary seating of the restaurant, bar, coffee shop, or other food and/or drink service establishment.
- (5) Outdoor dining areas shall be located in a manner to maintain a minimum pathway width of five feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic.
- (6) Chairs and tables shall be of quality-durable material, such as metal or wood, and all table-umbrellas shall be closed and removed at night when the outdoor dining area is closed for the evening.
- (7) Waste receptacles shall be provided in instances where waitstaff 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.
- (8) Outdoor dining areas shall be required to be enclosed in an approved method in instances where there is waitstaff or alcohol service. Enclosures shall consist of metal railing, wood railing, brick walls or other suitable material approved by the Planning Commission.
- (9) Outdoor dining that extends into areas located within the public right-of-way shall require approval by the Department of Public Works and in the case of an MDOT right-of-way approval is required by the State. Such requests may be permitted in the CBC, Central Business Center Zoning District only, and shall adhere to the following:
 - a. Commercial general liability insurance must be procured and maintained on an "occurrence basis" with limits of liability not less than one million (\$1,000,000.00) dollars 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, all employees, all boards, commissions and/or authorities and board members, as an additional insured. This coverage must be primary. Any other insurance

maintained by the additional insureds shall be considered to be excess and noncontributing 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.

b. A license agreement in a form deemed acceptable to the Village attorney's office shall be required.

(10) The Planning Commission shall have the authority to set the hours that outdoor dining is permitted to create the least off-site impact on surrounding uses, especially residential, from traffic, noise and/or light.

SECTION 2: If any section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this Ordinance. The Village of Stockbridge declares that it would have passed this Ordinance and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more section, subsections, sentences, clauses, and phrases be declared unconstitutional.

SECTION 3: That this Ordinance and the related rules, regulations, provisions, requirements, orders, and matters established shall take effect immediately upon publication, except any penalty provisions which shall take effect twenty (20) days after publication, pursuant to MCL66.1.

SECTION 4: Repealer - All Ordinances or parts of Ordinances in conflict with this Ordinance are repealed only to the extent necessary to give all provisions of this Ordinance full effect.

Adopted at a Regular Meeting of the Village of Stockbridge held on _____, 2024.

Moved by: _____

Seconded by: _____

YEAS: _____.

NAYS: _____.

ABSENT: _____.

ABSTAIN: _____.

Village of Stockbridge

By: Jill Ogden
Its: Village President

Certification of Clerk

I hereby certify that the foregoing is a true and complete copy of an Ordinance adopted by the Village Council of the Village of Stockbridge, County of Ingham, State of Michigan, at a regular meeting held on the ___th day of _____, 2024, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the Minutes of said meeting were kept and will be or have been made available as required by said Act, and the foregoing Ordinance was published in a newspaper of local circulation on _____, 2024.

Village of Stockbridge

By: Heather Armstrong
Its: Village Clerk

Drafted by: John L. Gormley (P53539)
Attorney for the Village of Stockbridge and
It's Planning Commission
Gormley Law Offices, PLC
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Fowlerville, Michigan 48836
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