

Temporary Outdoor Dining Permit Application

CHARTER TOWNSHIP OF CANTON
DEPARTMENT OF MUNICIPAL SERVICES
PLANNING SERVICES DIVISION
1150 Canton Center Road, Canton, MI 48188 • 734/394-5170

- **Application Fee: \$350**
- **Submit 7 sets of plans**
- **Submit PDF plans**

APPLICANT INFORMATION:

Name: _____ Date: _____

Address: _____

City/State: _____ Zip: _____

Phone: _____ Email: _____

PROPERTY OWNER INFORMATION:

Name: _____

Address: _____

Parcel ID No(s): _____

LAND USE INFORMATION:

Name of Business: _____

Address of Business: _____

Zoning District: _____

Maximum capacity of outdoor dining area: _____

Are parking spaces to be occupied: NO YES If yes, how many? _____

Is a temporary outdoor enclosure proposed? NO YES

If yes, describe the type of structure: _____

Describe any furniture including the materials the items are made from (include attachment if necessary): _____

Applicant Printed Name: _____ Application Signature: _____

TOWNSHIP USE ONLY

Approved By: _____ Date Approved: _____

Conditions/staff comments: _____

Date: _____ Receipt: _____ File No.: _____ Section: _____ Initials: _____



Temporary Outdoor Dining Permit Requirements

The following standards shall apply to all outdoor dining areas:

A. Locations. Outdoor dining shall be permitted on private property on the same property as the principal establishment. Outdoor dining shall also be permitted within the public right-of-way adjacent to the principal establishment, with the permission of the right-of-way jurisdiction, only within the Cherry Hill Village Overlay District. No outdoor dining area shall be located within or within fifty (50) feet of the RA, Rural Agricultural; RR, Rural Residential; RE, Rural Estate; R-1 – R-5, Single-Family Residential; R-6 Single-Family Attached Residential; MR, Multiple-Family Residential; and RMH, Mobile Home Park Districts, except where adjacent to the principal establishment within the Cherry Hill Village Overlay District.

B. Setbacks. All setback requirements of the zoning district in which the outdoor dining area is located shall be met, except that such setbacks shall not apply where outdoor dining is to be permitted within the public right-of-way.

C. Permitted Operations. Food and beverage service. Outdoor seating shall not be the primary seating of the establishment.

D. Hours of Operation. The hours of operation for outdoor dining shall be consistent with those of the principal establishment.

E. Alcoholic Beverage Service. Outdoor dining areas offering alcoholic beverage service shall be subject to the following requirements:

1. Approval from the Michigan Liquor Control Commission (MLCC) to serve alcohol in an outdoor area;
2. Alcohol shall only be served to seated patrons engaging in outdoor dining at the principal establishment;
3. Alcoholic beverages shall only be prepared inside of the principal establishment;
4. Employees shall supervise the area in which alcohol is being consumed at all times.

F. Accessibility. Outdoor dining areas shall be subject to the following requirements:

1. Outdoor dining areas shall be located in a manner which will not interfere with vehicular or pedestrian mobility or access, and shall meet Michigan barrier-free requirements;
2. Outdoor dining areas shall not obstruct the entrance to any building or sidewalk, nor shall they obstruct any barrier-free ramp or access aisle;
3. 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;
4. Outdoor dining areas shall not interfere with a public service facility, including but not limited to, fire hydrants and electrical transformers;
5. All furniture and fixtures, including but not limited to, chairs, tables, umbrellas, barriers, planters, and waste receptacles, shall remain within the defined outdoor dining area.

G. **Parking.** Outdoor dining areas with capacity for greater than twenty (20) occupants within the outdoor dining area shall meet the parking requirements for the principal establishment's use as set forth in this Ordinance.

H. **Sanitation.** Outdoor dining shall be subject to the following requirements:

1. Outdoor dining areas must remain clear of litter, food scraps, and soiled dishes at all times;
2. All food and beverages to be served in an outdoor dining area shall be prepared inside the principal establishment;
3. Any waste receptacles used for the outdoor dining area shall be stored inside the principal establishment while such establishment is closed for outdoor dining.

I. **Storage.** After November 30th, 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.

J. **Lighting.** Lighting associated with outdoor dining shall be subject to the lighting standards in this Ordinance. 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 Community Planner or their designee.

K. **Noise.** Outdoor dining shall be subject to the Township Noise Ordinance.

L. **Signage.** One (1) temporary or portable sign associated with the outdoor dining shall be permitted. All other signage shall be subject to the sign standards of this Ordinance. The one (1) permitted temporary or portable sign shall:

1. Not exceed six (6) square feet in area, four (4) feet in total height, and two (2) feet in width;
2. Not be located so as to disrupt or create a safety hazard for pedestrian, bicycle, or vehicular movement;
3. Not be located further than five (5) feet from the permitted outdoor dining area;
4. Not be located closer than three (3) feet to any road right-of-way, except in the Cherry Hill Village Overlay District where outdoor dining areas may be permitted in the public right-of-way;
5. Otherwise comply with the Township Sign Ordinance.

M. **Code Compliance.** Outdoor dining areas shall comply with all applicable building and fire codes, and all applicable Township codes and ordinances.

In addition to the requirements above, temporary or seasonal outdoor dining accessory to a restaurant shall meet the following requirements:

A. **Temporary Outdoor Dining Permit Required.** A Temporary Outdoor Dining Permit shall be required for temporary or seasonal outdoor dining accessory to a restaurant.

B. Submittal Requirements. The following shall be submitted with the Temporary Outdoor Dining Permit application:

1. A detailed drawing or sketch of the proposed outdoor dining area, drawn to scale, which provides sufficient detail to illustrate the layout and location on the site, the size of the dining area, and the maximum number of occupants to be served;
2. Specifications for or a detailed description of the enclosure to be maintained around the perimeter of the outdoor dining area;
3. Specifications for any outdoor enclosures proposed, if applicable;
4. The number and location of parking spaces to be occupied by the outdoor dining area, if applicable;
5. The written permission of all owners of a shared parking area, if applicable.
6. Proof of valid comprehensive general liability insurance meeting all Township insurance requirements;
7. Proof of MLCC approval, if applicable;
8. Proof of right-of-way jurisdiction approval, if applicable.

C. Review. The Development Review Committee shall administratively review Temporary Outdoor Dining Permit application submittals for compliance with this Section and all applicable Township codes and ordinances. The Building Official or their designee shall be the final approval authority. Once an initial Temporary Outdoor Dining Permit application is approved via the process described herein, subsequent applications proposing the same outdoor dining area, layout, capacity, and features shall not require review by the Development Review Committee but shall instead be reviewed and approved administratively by the both Community Planner or their designee and the Building Official or their designee.

D. Design Standards. Temporary or seasonal outdoor dining areas shall be subject to the following design standards:

1. Tables, chairs, and waste receptacles shall be made from quality, durable materials, such as metal, wood, or another suitable material approved by the Community Planner or their designee;
2. The outdoor dining area shall be enclosed by high quality, aesthetically appropriate barriers consisting of metal or wood railings, planters, masonry walls, or other suitable materials approved by the Community Planner or their designee. The use of bicycle racks, plastic event-style barriers, or soft material strung across posts is specifically prohibited.

E. Outdoor Enclosures. Temporary outdoor enclosures for outdoor dining by patrons of the principal establishment shall be permitted in accordance with the requirements of this Ordinance and shall meet all applicable building and fire codes.

F. Maximum Duration. Outdoor seating shall be permitted between March 1st and November 30th. The Temporary Outdoor Dining Permit shall be renewed annually.

G. Inspection. The Building Official or their designee and the Fire Marshal or their designee shall inspect temporary or seasonal outdoor dining areas to ensure that they comply with this Section, applicable building and fire codes, and all other applicable Township codes and ordinances. It shall be the applicant's responsibility to schedule such inspection with the Building and Inspection Services Division prior to commencing operation of the outdoor dining area.