

**City of Wyandotte  
Outdoor Café Application**

**REQUIRED INFORMATION:**

Name of individual/business: \_\_\_\_\_

Individual/business address: \_\_\_\_\_

Address of sidewalk/street occupancy: \_\_\_\_\_

Phone Number: (\_\_\_\_) \_\_\_\_\_ Fax: (\_\_\_\_) \_\_\_\_\_ Email: \_\_\_\_\_

Property owner if other than applicant: \_\_\_\_\_

Name of planner, engineer, architect or agent: \_\_\_\_\_

Café Location: On Public Property \_\_\_\_\_ on Private Property \_\_\_\_\_

Dates of proposed occupancy: \_\_\_\_\_ Seasonal (3/15 thru 10/31) \_\_\_\_\_ Partial (\_\_\_\_\_ thru \_\_\_\_\_)

Hours of proposed occupancy: \_\_\_\_\_ AM thru \_\_\_\_\_ PM

Capacity of existing establishment: \_\_\_\_\_ people (with seating) \_\_\_\_\_ people (without seating)

Capacity of proposed outdoor café: \_\_\_\_\_ people (total number of seats)

Area of occupancy in square feet: \_\_\_\_\_ sq ft; dimensions \_\_\_\_\_ x \_\_\_\_\_

Will alcoholic beverages be served at the outdoor café: \_\_\_\_\_ Yes \_\_\_\_\_ No

Zoning of property \_\_\_\_\_

**DIAGRAM OF SIDEWALK CAFÉ:**

Please attach a separate 8-1/2" x 11" sheet (or larger) illustrating the proposed café area. Show existing sidewalk, buildings, curb, existing improvements in the right-of-way, i.e. lamp posts, street trees and guards, benches, mailboxes, etc., an unobstructed clear area for pedestrian passage along sidewalk (a minimum of 60" wide), proposed area for tables and chairs, number of tables and chairs, and details of the proposed perimeter barrier. Diagram should be of a scale 1" = 10' (or other appropriate scale.) For additional requirements, please refer to the Zoning Ordinance and the Outdoor Café Ordinance pertaining to the zoning of the property.

**PURPOSE:**

Purpose of sidewalk occupancy \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**INSURANCE:**

For outdoor cafes on public property, Applicant covenants and agrees to hold harmless from, indemnify, and defend the City, its agents, officers and employees against all suits, demands, claims, judgments, liens, cost of repair or replacement of any damaged public facilities, or costs, attorney fees and expenses which may arise out of, result from or be caused by Applicant's outdoor café.

Applicant covenants and agrees to strictly comply with all terms and conditions of the Outdoor Café Ordinance, all other ordinances and requirements of State and Federal laws, and further understands and agrees that the Planning and Rehabilitation Commission in its sole and absolute discretion, may approve, deny or set any conditions or limitations on any outdoor café which may be approved. Further, regarding an outdoor café on public property (*including but not limited to public sidewalks and public right-of-ways*), the City Council may approve, deny or set any conditions or limitations on any outdoor café on public property which may be approved, or may at any time rescind or revoke any approval, *in the City's sole discretion*, all without recourse or remedy by the Applicant, or liability of the City.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_\_

Witnesses:

Signature \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Applicant's Signature \_\_\_\_\_  
Printed Name: \_\_\_\_\_

Signature \_\_\_\_\_  
Printed Name: \_\_\_\_\_

## GRANT OF LICENSE & INSURANCE REQUIREMENTS FOR AN OUTDOOR CAFÉ ON PUBLIC PROPERTY

### (1) General Liability

An Outdoor Café on public property shall carry comprehensive general liability insurance, including premises and all operations, through companies licensed and admitted to do business in Michigan, which shall provide protection from all claims of damage or injury, including death to persons and property which may arise out of, result from or be caused by licensee's use of occupancy of the premises or its operations conducted thereon with occurrence and aggregate limits of not less than \$2,000,000 of comprehensive general liability insurance coverage. The certificates and policies of the required comprehensive general liability insurance shall provide and be endorsed as follows:

"The City of Wyandotte, its officers and employees are additional insureds. The coverage is primary to the City and not contributing or pro rata with any other insurance or similar protection (e.g. risk management association) which is or may not be available to or carried by the City."

### (2) Liquor Liability (if applicable)

A Grant of License for an Outdoor Café on public property shall carry liquor liability insurance with combined limits of not less than \$500,000 insuring for any and all damage and liability which may be caused by, related or arise out of sale, furnishing, giving, distribution or consumption of alcoholic beverages on the premises.

### (3) Proof of Insurance

Proof of required insurance is not required when applying for an Outdoor Café on public property, but will be required prior to a Grant of License being issued by the Department of Legal Affairs. The applicant must also execute a Hold Harmless Agreement with the City of Wyandotte prior to the issuance of a Grant of License.

Office Use Only		Notes:
Public Department Approval: ____ Yes ____ No	Date: ____, 20__	
Fire Department Approval: ____ Yes ____ No	Date: ____, 20__	
Eng/Bldg. Department Approval: ____ Yes ____ No	Date: ____, 20__	
Insurance Certification on File: ____ Yes ____ No	Date: ____, 20__	
Hold Harmless Agreement Executed: ____ Yes ____ No	Date: ____, 20__	
Grant of License Issued: ____ Yes ____ No	Date: ____, 20__	



2. A four (4) foot solid wall such as brick, decorative block, or decorative poured concrete must be provided where abutting or adjacent districts are zoned for residential use. The height of the fence or wall shall be measured from the surface of the ground of the abutting residential district.
3. No kitchen or cooking facilities are to be provided within the dwelling units with the exception of units for the use of the manager or caretaker.
4. Each unit shall contain not less than two hundred fifty (250) square feet of floor area.

R. Commercial outdoor recreational space

1. Facilities utilized by children shall be fenced on all sides with a four (4) foot wall or fence.
2. Adequate parking shall be provided off the road right-of-way and shall be fenced with a four (4) foot wall or obscuring fence where adjacent to the use area of the facility.

S. Outdoor Café

1. An outdoor café may be set up and used from March 15 through October 31. The permitted hours of operation are from 7:00 a.m. to 12 midnight in CBD Districts, and from 10:00 a.m. to 12 midnight in RU and B-2 Districts unless longer hours are specifically approved by the Planning Commission and the City Council. Noise radiating from an outdoor café, which exceeds 50 DBA between 8:00 p.m. and 12 midnight, or other approved hours, or 55 DBA between 7:00 a.m. and 8:00 p.m., shall constitute prima facie evidence that such noise unreasonably disturbs the comfort, quiet and repose of persons in the area. The "DBA" represents the sound pressure level in decibel measured on the "A" scale of a standard sound level meter. Noise level measurements shall be taken at the zoning district boundary of any residential zoning district, recreation unit district and any planned development as may be appropriate. In all other districts, noise level measurements shall be taken at the property line of an affected property. The City Council may, by resolution, extend the dates of operation or the hours of operation for a stipulated number of days, not to exceed a total of 30 days per calendar year.
2. A site drawing showing the detailed plan of the outdoor café must be submitted to and approved by the Planning Commission. The detailed plan is to include: the design, relevant details and location of all temporary structures such as awnings, planters, landscaping, railing, tables, chairs

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and other equipment, as well as lighting and electrical outlet locations. For cafes on public property, the plan shall also show existing sidewalks, buildings, curbs, existing improvements, i.e., lamp posts, street trees, benches, mailboxes, etc., and an unobstructed clear area for pedestrian use (a minimum of 60"). The layout shall show all seating, tables and chairs and shall be used to determine maximum occupancy load for the outdoor café. The occupancy load shall be posted in a conspicuous location.

3. Plans for setting up the outdoor café must be approved by the Department of Engineering and Building to provide for the free passage of pedestrians along the sidewalks, by the Police Department to provide for traffic and pedestrian safety, and by the Fire Department for fire-safety issues. If alcohol is served, entrance to the outdoor café is required to be from inside the building. An outdoor café which is adjacent to residential properties or shares an alley with residential properties shall be screened with a solid fence a minimum of six (6) feet high.
4. The outdoor café must be part of a licensed restaurant and meet all the requirements of the department of health and any other local, county or state requirements, including the City of Wyandotte's ordinance and the Michigan Liquor Control Commission (if applicable).
5. For outdoor cafes on public property, liability insurance and property damage coverage naming the City of Wyandotte as an insured party, in an amount approved by the City of Wyandotte's Financial Director, must be provided before an outdoor café may be set up.
6. Approval of the City Council is required for the proposed use of any public area or facility. All provisions of a Grant of License must be complied with at all times.
7. An outdoor café in a B-2 district may provide for only thirty five percent (35%) more seating than is provided inside the restaurant. Additional parking shall be provided for the square foot area of the outdoor café in accordance with Section 2403.
8. No signs or any other forms of advertising are permitted in the outdoor dining area with the exception of an identification or menu sign. The name of the establishment may appear on the valance of an umbrella.
9. Furnishings of an outdoor café shall consist solely of readily removable awnings, covers, canopies, railings, tables, chairs, planters containing plants and accessories. Furnishings may not be attached, even in a temporary manner, to the sidewalk or other public property, except that canopies and railings, if specifically approved by the Planning Commission and the City Council, may be secured by means of flush



mounted anchors or other methods approved by the Building Official. No objects which are part of an outdoor café, except lighting fixtures, railings, awnings, or other nonpermanent covers or canopies, may be attached, even in a temporary manner, to any building, or structure on which the outdoor café abuts. When the associated establishment and/or the outdoor café on public property are not open for daily use, all furnishings and fixtures, unless otherwise specifically approved, shall be removed from the public property or stored in an approved manner which shall not cause a public nuisance or hazard. The Building Official shall determine when a hazardous condition exists in the public right-of-way and on other public property.

10. Outdoor dining areas must remain clear of litter, food scraps and soiled dishes at all times.

T. Second floor dwellings in Office/Business buildings

1. A determination shall be made that such dwellings will be compatible with other uses on adjacent properties.
2. No dwelling unit shall occupy any portion of the building at ground level or below ground level.
3. Dwellings shall meet all applicable codes and ordinances of the City, County and State.
4. Off street parking is required for all residential dwellings.

U. Pool halls and amusement arcades

1. Facilities shall be subject to all codes and ordinances governing such establishments.
2. Locations for any such establishment shall be confined to major thoroughfares and shall have the entrance to both the business and parking area for such establishment on the thoroughfare. Access from a side residential street or alley shall be prohibited.
3. Locations for any such facility shall be no closer than five hundred (500) feet to the property line of any elementary, intermediate or high school.
4. No such business shall be located within five hundred (500) feet of the property line of a similar business.

V. Outdoor sales space for new or used automobiles, recreational vehicles, mobile homes and boats