

**VILLAGE OF OXFORD
22 W. BURDICK
OXFORD, MI 48371**

**Ordinance No. 407
AN AMENDMENT TO
ORDINANCE 324, ZONING ORDINANCE
Outdoor Cafes Year Round
ARTICLE 3 and 4
SECTIONS 3.31 and 4.145**

The Village of Oxford Ordains:

Revise the Use Chart in SECTION 3.3.1 so that:

- a. "Outdoor Cafes and Seating on Private Property (April 15 to November 1)" are a permitted use in C-1 Core, C-1 Transition, C-O, and C-2, with a note under Additional Standards stating "Planning Commission Approval Required" and a reference to Section 4.1.45.
- b. "Outdoor Cafes and Seating on Public Property" are a Special use in C-1 Core, C-1 Transition, C-O, and C-2 with a reference to Section 4.1.45 under Additional Standards
- c. "Outdoor Cafes and Seating (November 2 to April 14)" are a Special Use in -1 Core, C-1 Transition, C-O, and C-2, with a reference to Section 4.1.45 under Additional Standards.

Revise the Introductory paragraph in SECTION 4.1.45 to read as follows:

"Outdoor cafes and seating areas associated with an approved restaurant shall be permitted to operate on private property between April 15 and November 1 provided that they meet the following standards in the opinion of the Planning Commission.

Outdoor cafes and seating areas may be permitted to operate on public property through the Special Use process described in Section 9.2., and must meet the following standards.

Outdoor cafes and seating areas may be permitted to operate between November 2 and April 14 through the Special Use process described in Section 9.2, and must meet the following standards.

All approvals for outdoor cafes and seating shall apply so long as the site operates continuously as a restaurant. If the cite ceases to operate as a restaurant for greater than six months, the approval for the outdoor café and seating shall be voided."

Remove the following words from Section 4.1.45.A:

- a. "Outdoor seating areas may be permitted on private property or on public sidewalks, public plazas, or other similar public places."
- b. Everything from the words "For any outdoor seating area located on public sidewalks . . ." to the end of the section.

Remove all text from Section 4.1.45.C

Add a new Section 4.1.45.C.

“C. All roofs or other overhead structures must be shown on the site plan. A previously approved outdoor café or seating area on private property may add a roof or other overhead structure, subject to design approval of the Planning Commission.”

Remove the following words from Section 4.1.45.E.

“Outdoor seating shall be permitted from April 15th to November 1st.”

Add a new Section 4.1.45.Q reading as follows:

“Q. Outdoor cafes or seating on public property shall be subject to the following”

1. The applicant must provide evidence of primary comprehensive general liability insurance by a Michigan authorized insurance carrier in an amount not less than \$500,000 naming the Village of Oxford as co-insured covering any and all claims arising by virtue of the use and/or activity. The applicant must provide evidence of the prepaid annual premium for the insurance every year. Failure to do so will automatically terminate the Special Use approval.
2. The outdoor café or seating must be accessible from the interior of the restaurant.
3. In addition to the Special Use approval, the applicant must receive permission from the Village Council for the use of the public property in question.
4. In order to use any or part of the m-24 right-of-way, the applicant must receive permission from MFOT.”

Add a new Section 4.1.45.R. as follows:

1. **The outdoor café seating area will be equipped with temporary heaters, with the specific design to be approved by the Planning Commission and Fire Chief.**
2. **The applicant must designate a snow removal area on the site plan, and must remove snow from the outdoor café seating area promptly after every snowfall exceeding two inches. If the snow removal area is not within the outdoor café seating area, it must be on private property.**

Re-designate the existing Section 4.1.45Q as Section 4.1.45.S.

Should any portion of this ordinance be held invalid for any reason, such holding shall not be construed as affecting the validity of any of the remaining portions of this ordinance. All ordinances or parts of ordinances in conflict herewith are hereby repealed only to the extent necessary to give this ordinance full force and effect.

This ordinance shall become effective 20 days after adopting in accordance with the Village of Oxford Charter.

This ordinance was duly passed adopted by the Oxford Village Council during its special meeting held on October 25, 2016

Moved by Kennis, Seconded by Helmuth. Motion Carried.

DATE OF PASSAGE: October 25, 2016

DATE OF PUBLICATION: November 2, 2016

EFFECTIVE DATE: November 23, 2016