



PLANNING COMMISSION MEETING
Monday, July 12, 2021 – 7:00 p.m.
City Council Chambers
23600 Liberty Street
Farmington, MI 48335

AGENDA

- 1. Roll Call**
- 2. Approval of Agenda**
- 3. Approval of Items on the Consent Agenda**
 - A. June 14, 2021 Minutes**
- 4. Public Hearing – Proposed Zoning Ordinance Text Amendment: Permanent Outdoor Seating Enclosures**
- 5. Discussion – Zoning Audit**
- 6. Update - Current Development Projects**
- 7. Public Comment**
- 8. Planning Commission Comment**
- 9. Adjournment**

FARMINGTON PLANNING COMMISSION PROCEEDINGS
23600 Liberty Street
Farmington, Michigan
June 14, 2021

Chairperson Majoros called the Meeting to order via Zoom remote technology at 7:03 p.m. on Monday, May 10, 2021.

ROLL CALL

Present: Crutcher, Kmetzo, Majoros, Mantey, Perrot, Waun, Westendorf
Absent: None
A quorum of the Commission was present.

OTHER OFFICIALS PRESENT: Director Christiansen, Recording Secretary Murphy, Brian Golden, Director of Media Services.

APPROVAL OF AGENDA

MOTION by Crutcher, supported by Perrot, to approve the agenda.
Motion carried, all ayes.

APPROVAL OF ITEMS ON CONSENT AGENDA

A. May 10, 2021 Minutes

MOTION by Crutcher, seconded by Perrot, to approve the items on the Consent Agenda.
Motion carried, all ayes.

REQUEST TO RESCHEDULE PUBLIC – HEARING – PROPOSED ZONING ORDINANCE TEXT AMENDMENT: PERMANENT OUTDOOR SEATING ENCLOSURES

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated as you indicated, Mr. Chairman, this item is a request to reschedule the public hearing for a proposed zoning ordinance text amendment regarding permanent outdoor seating enclosures. As you are aware the proposed amendment would amend Chapter 35, Zoning Article VII. The Commercial Zoning District section of the Zoning Ordinance to permit outdoor seating enclosures within outdoor seating areas. You may recall that the DDA Design Committee has reviewed this at their April 22nd meeting and they recommended the amendment to the Planning Commission, the comments that they made and those comments were attached with a set of minutes and that's also again included with your staff packet this evening. At the May 10th Planning Commission Meeting, which was your last meeting, you'll recall the Commission reviewed the proposed zoning ordinance text amendment and scheduled the required public hearing for this evening. A copy of the draft ordinance is attached with your staff packet

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as well. The reason it was requested was the initiator of this proposed amendment which had appeared before the City Council, the City Council then had given direction to City Management, Administration, to move forward with the draft amendment. That's gone through then being created by the City Attorneys, again through the DDA Design Committee and now before you, the Public Hearing being scheduled, the restaurant/business owner who initiated this wasn't able to make the meeting tonight, already had another engagement and asked if we could, the Planning commission would consider rescheduling this Public Hearing and if so, staff would recommend in light of that and as has been requested that if you are so willing that we reschedule this to your next meeting which is your July 12, 2021 meeting.

Chairperson Majoros opened the floor for questions and/or comments from the Commissioners.

Majoros then asked Christiansen if just by delaying a month, right, it's not like this is going to create any major problem, but there's no pressing item, just missing the Applicant, it's just a month delay and it won't cause major heartache, that's my assumption, is that correct and Christiansen replied that's correct.

Majoros asked if there were any questions or comments and if none, we'll entertain a motion to request to reschedule the Public Hearing to the next regularly scheduled Farmington Planning Commission meeting for July 12, 2021.

MOTION by Waun, supported by Perrot, to reschedule the Public Hearing for the proposed zoning ordinance text amendment, permanent outdoor seating enclosures, for the Planning Commission meeting to be held July 12, 2021.

Motion carried, all ayes.

PROPOSED BUILDING FAÇADE MODIFICATION – GLP FINANCIAL, 33321, 33329, 33335 GRAND RIVER AVENUE AND 23612, 23616, 23622 FARMINGTON ROAD

Chairperson Majoros introduced this item and turned it over to staff.

Director Christiansen stated this item is a review of a proposed building façade modification to the existing building units adjacent to the Farmington State Savings Bank for GLP Financial. The proposed modifications include new awnings which are actually replacement awnings for the existing awnings for the front of the existing commercial building units. At their June 10, 2021 meeting the Downtown Development Authority Design Committee reviewed and recommended the proposed building façade modifications, the awnings as proposed, to the existing buildings, the units, for GLP Financial to the Planning Commission in accordance with the submitted plans. And

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there's a copy from last Thursday's DDA Design Committee Meeting, the minutes attached with your staff packet.

The Zoning Ordinance, Section 35-104 (2)(a) and Section C (4) of the Zoning Ordinance, Central Business District, CBD, nonresidential and mixed use development requirements permits awnings for buildings in the Central Business District projecting over the public sidewalk with Planning Commission approval and subject to conditions after review and recommendation from the DDA Design Committee which has taken place. The Applicant has submitted plans for the proposed building façade modifications, the awnings as proposed, the submitted plans include front building elevations and project detail specifications. It is my understanding that the Applicant would be in attendance at this meeting this evening to review the proposed building façade modifications, again, the awnings, with the Commission, I'm not sure they're in attendance or not so if they aren't we can continue to move forward, if they are, we can let them present what they're proposing. I will turn it back to you right now, Mr. Chair.

Majoros opened up the floor to see if a representative for the Applicant was present. Hearing no one, he asked Christiansen to continue with his overview.

Christiansen said there's actually two elevation graphics, they're attached with your staff packet. First off, these are the minutes from the Design Committee, they had an opportunity to review the awnings as proposed. They basically had agreed they are an improvement to the existing awnings, they appreciated and liked the dark awnings, the darker color. They did ask about changes to the bank building itself in relationship to what is proposed and that question then was responded to and we'll go over that really quick. So, again, the Design Committee was in favor of the awnings, and that's reflected in the meeting minutes. If we go to the graphic, the first picture, this is the picture along Grand River that shows the existing units building portion adjacent to the east side of the Farmington State Savings Bank and those would be the units that are addresses 33321, 33329 and a portion of 33335. You'll see that there are awnings that are shown here, black awnings that are supported by metal framing above the windows of these three units. Currently there are awnings in the exact same places, metal framing, and there are awnings that are a striped color, they've been there for quite a while. What is intended here is replacement of these awnings. You'll also note that this does not include the Farmington States Savings Bank proper. You might recall that last fall in September you reviewed a façade modification and approved that façade modification for the Farmington States Saving Bank for both its north Grand River and west Farmington Road frontages on the approved site plan was bringing back the 100 year old bank building façade to its original luster, you'll remember that. What these buildings or units are, are the ones also owned by GLP Financial but they're adjacent to it, it's the ancillary, it's the adjacent units and buildings. So, this is the Grand River frontage, this is the Farmington Road frontage. Again, you can see the end of the Savings Bank Building, then the three units here to the

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south, and those units are 23612, 23616, and 23622 Farmington Road. And you can see that the awnings again above the windows are replacing the existing awnings, metal frames, the dark awnings, the black awnings replacing the ones that are there now that are the striped awnings. So, that's the request. This is something that's required by ordinance when there's this kind of modification because it is a structural change, it also changes the façade, it requires your review and approval and also as has been done the review and recommendation of the DDA Design Committee.

Majoros thanked Christiansen and opened up the floor for questions from the Commissioners.

Commissioner Crutcher stated the awnings are existing and so really the only change is the color of the awnings because there are already awnings there on the building, correct?

Christiansen replied it's the change of the color and the material, they're brand new awnings, but yes, they're replacement, same type of awning in the same location. But they are new so it does require your review and your action.

Majoros said and to confirm, there's no size difference, there's no length, height, etc., they're basically the size and structure and basic footprint of what exists today.

Christiansen said it's the basic footprint, basic size, basic location, yes.

Majoros asked if there were any further questions from the Commissioners. Hearing none, he stated it's pretty straightforward, to doublecheck we have confirmation and review and approval from the DDA Design Committee, Kevin, that's correct?

Christiansen replied they reviewed and they made their recommendations to you, yes. You are responsible with the approval; they have the responsibility by ordinance for review and recommendation to you.

Chairperson Majoros called for a motion from the Commissioners.

MOTION by Kmetzo, supported by Crutcher, to approve the proposed building façade modification for Farmington State Savings Bank, GLP Financial, 33321, 33329 and 33335 Grand River Avenue and 23612, 23616, and 23622 Farmington Road.
Motion carried, all ayes.

UPDATE – CURRENT DEVELOPMENT PROJECTS

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Chairperson Majoros asked Director Christiansen if there are any cycle over cycle comments that you would like to make on any updates and then we'll open the floor for the Commissioners for any questions you might not have covered.

Christiansen stated he is happy to share with you this update this evening. As long as we're talking about the Farmington States Savings Bank why don't we continue on. The interior build out and then the façade modifications that were approved by the Planning Commission through site plan review last fall, are soon to be initiated. All of the planning and all of the construction plans and permits are in place, the final items are getting buttoned up in terms of project schedule and the impact on the site and Farmington Road in particular and Grand River as well. It's going to about a six or seven month project once initiated and once the project kicks off you'll see a lot of activity through the rest of the summer and fall with respect in particular to the interior build out and modification of the new repurposed office space and then certainly the façade modifications. So, in light of that you can anticipate seeing this project probably get off the ground within the next week or so. So, it's a new development, repurposing the interior, it's façade modifications and really a great opportunity for the City to realize a significant investment in repurposing this significant property at the epicenter to the downtown, Farmington and Grand River, and a 100 year old building in the City of Farmington, we're very excited. So, that's the first thing that I can share with you now because that's new.

Majoros said one thing he'd like to know someday, and it's not a priority, but for all the gymnastics we put that owner through with the farm and the amount of money that they spent, did anything actually become of that barn or is it sitting on skids somewhere to eventually become firewood?

Christiansen replied to the best of my knowledge, again, it was disassembled, packaged, and moved to Pontiac with the intention of being reassembled at some point in time. Beyond that, I can't tell you what the status is right now but I'd be happy to see if I can find out exactly where that's it.

Majoros said no rush, if you come across it, I just want to know because I appreciate the historic integrity but at the same time a lot of money was spent for something that in reality probably might never happen, seems like a lot of extra work and costs.

Christiansen stated I appreciate your question and your comments, let me find out what I can in more detail.

He then went on to state I'd like to update you on a couple of projects that are coming to completion. Tropical Smoothie, Tropical Smoothie is getting closer. You might note landscaping, irrigation went in, you might know the islands, the parking lot, the lighting, the resurfacing of the parking lot, all of that has moved forward, the restriping, so they're

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getting pretty close and we can anticipate probably in the next week or so, for sure by the end of the month that they should hopefully be able to be completed. All of the final inspections, approvals, the sign-offs, and the C of O to move forward to the operating. That's getting very close so hopefully within the next little while that you'll be able to visit Farmington Tropical Smoothie and get a cold beverage, so that's a good thing.

The Farmington Road/Nine Mile gas station which will be an Amoco Gas Station, is getting closer, you see that work continuing. The interior work, work within the building to be completed, but site elements and most of the heavy lifting has been done and that project moves on significantly in terms of its overall day to day work to get completed and we anticipate that to be within a little short while, too, a little bit longer than Tropical Smoothie but it looks like with everything they still have to do, they're still a little ways out, probably sometime in the next four to six weeks, next month sometime, they would be able to be finishing up and getting everything they need to be doing and done completed. So, that's moving on, really appreciative of that.

I've been made aware that Blue Hat Coffee, which has been quite a long redevelopment, is nearing completion on the inside. They have a lot of outside stuff to finish yet, dumpster, an elevated patio deck area, landscaping, signage, but they keep working to complete that. They're telling us they think within the next number of weeks, maybe four to six weeks or so, end of July, so they can be open, too. I think they'd like to be open if they could by Founder's Festival as well, so they're working towards that end as quickly as possible and they're moving forward.

So, that's all going, and I can tell you, too, the Maxfield Training Center Project, the City Attorney has been working pretty diligently with the selected RFQ Respondent/Developer Robertson Brothers Homes on a purchase agreement for the fifty-nine condominium townhomes that they are proposing to have constructed on the Maxfield Training Center site. The purchase agreement has a lot of pieces to it and they've been working on that for a while now, that then was able to move forward to City Council and to be completed we can anticipate then in getting engaged with the development review and approval process. Still not certain when that is, I'm hopeful it could be next month, if not then it may be August as well but it's kind of a day by day on that right now. But it is in progress so we're still in the purchase agreement phase of Council with the developer right now.

Aside from that a lot of little things going on. I'll tell you every day we're responding to inquiries about opportunities. Last week, Wednesday, I had an opportunity to walk through the Winery with the potential new developer/investor who is purchasing the winery and to review their interest and what their vision, what they'd like to do, what their desire to redevelop the Winery is, and so we've had discussion regarding many different things including process and what it's going to take moving forward to realize what they'd like to do. So, they've been doing their due diligence, they've been doing various activities

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including environmental investigations and other sorts of things, so that's moving forward and I'm pretty confident this is going to transpire, he's going to buy the Winery. So, that could be moving shortly as well, that will certainly need to go through the Grand River Corridor Improvement Authority because they have responsibility for oversight in the CIA and certainly to you as well depending upon the process that's implemented.

Perrot asked if there were any occupants in there now and Christiansen replied no, that was something that was discontinued after the City Building Official, Code Enforcement Officer, and the City Fire Marshal went ahead and had a site visit with the owners and representatives of the owners and there was a lot that went on with the ownership and all that was done. And the City, based upon condition and a number of other items, accessibility, other sorts of things, indicated that there could not be any occupancy continuing at this time so there has not been for a while.

Chairperson Majoros said this might be a good time to switch items 7 and 8 and open up the floor for questions from the Commissioners or comments.

Kmetzo asked when the Founder's Festival is and Christiansen replied it is the third weekend in July, the 15th, 16th, and 17th. Kmetzo asked if they are bringing it back to downtown and Christiansen replied he is not privy to the logistics but there is a third party consultants contracted to help facilitate the organization and the operation and coordinated by the DDA.

Majoros asked when the announcement would be made concerning Founder's, when does rumor become reality so as we're getting asked, any idea?

Christiansen replied not specifically Planning Commission directly related items but in the interest of our fair city, our wonderful City of Farmington and the Greater Farmington Area, the activity events in the community had been placed on hold in light of the pandemic and the restrictions and limitations. As you know in 2020 the only event that was held city-wide was the Farmer's Market that was held in accordance with very specific protocol and the Farmington Farmer's Market market master, general manager, Walt Gayeski, did an absolutely excellent and awesome job in helping coordinate and facilitate that. That was actually something that had been approved to be able to be held through the Michigan Department of Health and Human Services, the Michigan Department of Agriculture, the Farmer's Market Association and coordinated with our Farmer's Market and with Walt. And we had, and everybody here I think who went to the market last year, knew what kind of protocol was in place. It was very detailed and very structured. In any event that protocol has been softened with the Farmer's Market. But also, too, what now has been relaxed somewhat and I think will more formally and officially will be almost completely modified from what it's been, is for both indoor and outdoor activities and indoor and outdoor events. I think as of June 1 the State's relaxation of limitations and restrictions

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have allowed for indoor engagements. In fact, you might recall City Hall was closed from March 25 to July 20, it was open July 20 to November 12, closed November 12 until it was reopened last week on June 1st and that was after action by the State and the City had actually through the City Council's actions following the State requirements that were put in place in accordance with operations for City government, had been under a State of Emergency. And Council had extended that State of Emergency back earlier I think in the spring, late winter, early spring, I think in March to June 30. And that kept everything as is, and including City Hall closed, they relaxed that in light of additional relaxation of restrictions on June 1. In light of that, outdoor events and activities ---

Chairperson Majoros said Mr. Christiansen, if I may, the direct question is do we have a timeline, do we anticipate to have communication available ---

Christiansen replied that's where I'm going and Majoros stated it's a long way around the block to answer.

Christiansen said I get it, but outdoor activities following this same thing, that's what I was saying to you, outdoor activities are following the same steps, instead of June 1 for indoor/outdoor activities it's July 1. So you might know as of July 1 it's my understanding that there's going to be the ability to hold these activities. But you remember we just had Art on the Grand, so it's my anticipation as Art on the Grand happened after June 1, that Founder's will be that July and then Harvest Moon will be able to be held and that in the wintertime Holly Days will be able to be held. Again, these are all my understandings, I'm not at the helm of that but you asked me the question, so sorry if I was a little winded on that but I just want you to understand how this all came about and for everybody listening and watching. We just got open here at City Hall like I said and these things are just now coming back online.

Commissioner Perrot stated the Founder's Festival website is back on and alive and well so they're going forward and the scheduled dates for the Color Run and the dog events and everything else. So, between that and social media, I'm sure they're pushing it as fast and furious as they possibly can. If anybody is interested, you can always check them out there, too.

Christiansen said they actually wanted to do the Memorial Day Parade and they were planning on it but they had to pull back unfortunately, but we were able to at least do Art on the Grand and that was great. So really that was the first event aside from Farmer's Market that's been back in now the second year.

Majoros said Art on the Grand was awesome, Farmington was hopping that day, that's for sure.

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Perrot stated we've also got music coming back in July, too,

Christiansen said Rhythms in Riley Park in July and August on Friday night, and the Lunch Beats are coming back on July 21st through August 25th on Wednesdays.

Chairperson Majoros asked the Commissioners if they had any further questions or comments. Hearing none, he opened the floor for Public Comment.

Susan Kramer, 24105 Twin Valley, Farmington, asked if there was any outline of what might be done with the Winery and Christiansen replied no, just an interest in acquisition who are currently doing their due diligence and they have engaged the City in terms of our being aware and engaging us in terms of what they'd like to do and what the process is. That's where we are right now with that.

Brian Golden, Director of Media Services, stated I can offer you some information in reference to the carriage barn. I'm the past President of the Oakland County Pioneer and Historical Society and that's the organization that removed the carriage barn to Pontiac, that's where their base of operations are. Currently the carriage barn has not been reassembled but what they've done if they've offered it to any historical organization within the county that would like the carriage barn on their property. They are able to actually take it from Pontiac to wherever they want it to go. So, no, it won't turn into firewood because it's in really, really good hands with the Oakland County Pioneer and Historical Society.

Majoros said thank you. I just want to be respectful of our past and our history, these are important things. I'm certainly not a classic barn expert but just that property has been a long time coming and its development at Crazy Krab and that was an endeavor that took some time to get resolved and figured out, so I'm hoping that one day that meticulously dismantled barn finds life again somewhere.

Golden replied it will.

Director Christiansen stated that people can always go to the City website, www.farmingtongov.com, you can always go to the Downtown Development Authority website and look for those events and find out information. The only other thing is thank you to Mr. Golden so I don't have to call him to find out the status of what's going on with the barn in Pontiac, so that's good, I appreciate that, thank you, Brian. And the third thing is that I do believe this may be our last Zoom meeting, if we are able to hold meetings in person. That's why I went over that beforehand because all of these things relaxing are right June, July, now, so it may be that we have our next meeting face to face. I will keep everybody informed and let you know as soon as I know.

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Majoros said it's crazy to think that here we are, who would have thought a year ago.

ADJOURNMENT

MOTION by Perrot, supported by Crutcher, to adjourn the meeting.
Motion carried, all ayes.

The meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Secretary

Farmington Planning Commission Staff Report	Planning Commission Date: July 12, 2021	Reference Number 4
Submitted by: Kevin Christiansen, Economic and Community Development Director		
Description Public Hearing – Proposed Zoning Ordinance Text Amendment: Permanent Outdoor Seating Enclosures		
<p><u>Background</u></p> <p>This item is a public hearing for a proposed Zoning Ordinance Text Amendment regarding Permanent Outdoor Seating Enclosures. The proposed amendment would amend Chapter 35, Zoning, Article 7, CBD Central Business District, C2 Community Commercial District, C3 General Commercial District, and RO Redevelopment Overlay District, Section 35-102, Table of Uses, and the requirements of the accessory outdoor seating provisions to allow permanent outdoor seating enclosures. At their April 22, 2021 meeting, the Downtown Development Authority (DDA) Design Committee reviewed the proposed Zoning Ordinance Text Amendment and forwarded their comments to the Planning Commission (see attached meeting minutes). At the May, 10 2021 Planning Commission meeting, the Commission reviewed the proposed Zoning Ordinance Text Amendment and scheduled the required public hearing for 6/14/21. At the June, 14 2021 Planning Commission meeting, the Commission rescheduled the required public hearing for 7/12/21 as requested. A copy of the proposed draft ordinance is attached.</p> <p>Attachment</p>		



DDA Design Committee Meeting

7:30 AM, Thursday, Apr 22, 2021

Zoom Meeting ID: 817 4944 4062

Passcode: 300695

Present: Claire Perko, Brian Golden, Steve Schneemann, Kenneth Crutcher, Ben Ridderbos, Kevin Christiansen, Kate Knight, Jess Westendorf

Minutes approved

Review of Zoning and Text Amendment for Outdoor Seating Ordinance to allow for Structural elements.

Overview by Christiansen. The Planning Commission and City Council will soon consider Proposed Zoning and Text Amendment for Outdoor Seating Ordinance to Allow for Structural Elements. The increased awareness and desire for flexibility in outdoor dining as a direct impact of COVID-19 has driven interest by property owners and restaurateurs, to invest in solutions that enable this. Proposed projects within the DDA/CBD will come before the DDA Design Committee for review and recommendations. There are guidelines for structural elements on private property, and for additional scrutiny within the public ROW, not excluding MDOT review.

Discussion by committee-

- Concerns of what this could look like if all businesses added tents in our public right of way and corridors after working hard over the years to create a street life. The loss of human connection between passersby and patrons is a concern. The more we create separation, it disrupts the connectivity would change the character of our Downtown.
- Consider lifespan of these structures when they become discolored and frayed in 3-5 years.
- Consider snow removal along the sidewalks and around these structures ensuring pedestrians are still able to walk safely.
- Committee is still in support of awning as long as it isn't a vertical separation.

In summary, the Design Committee recommends to limit this ordinance to temporary seasonal seating during inclement weather seasons only. Allow structures on parking lot side, but not on main thoroughfares, and maintain a level of transparency.

Overview of the Sign Ordinance Review and Recommendations for a completely new Chapter 25 ordinance by the city attorney.

Committee discussed writing Design Committee review into the ordinance but want to ensure that they are not holding up the process. The goal is to strike the balance between having a robust ordinance for the downtown and including the design committee on projects that are necessary to review.

Committee will review and make recommendations in May meeting.

STATE OF MICHIGAN
COUNTY OF OAKLAND
CITY OF FARMINGTON
ORDINANCE NO. ____

AN ORDINANCE TO AMEND CHAPTER 35, ZONING, OF THE CITY OF FARMINGTON CODE OF ORDINANCES, IN ORDER TO AMEND ARTICLE 7 "CBD CENTRAL BUSINESS DISTRICT, C2 COMMUNITY COMMERCIAL DISTRICT, C3 GENERAL COMMERCIAL DISTRICT, AND RO REDEVELOPMENT OVERLAY DISTRICT," SECTION 35-102, "TABLE OF USES," TO AMEND THE REQUIREMENTS OF THE ACCESSORY OUTDOOR SEATING PROVISION TO ALLOW PERMANENT OUTDOOR SEATING ENCLOSURES.

THE CITY OF FARMINGTON ORDAINS:

Section 1. Chapter 35, Zoning, of the Farmington City Code, Article 7, "CBD Central Business District, C2 Community Commercial District, C3 General Commercial District and RO-Redevelopment Overlay District," Section 35-102, "Table of Uses," is hereby amended as follows:

Special Provisions

(a) [Unchanged]

(b) Accessory outdoor seating areas may be permitted by annual license when accessory to a permitted or special land use in the district subject to the following:

1. Whether the seating area is proposed as part of a site plan application or an existing business, it shall require site plan review and approval by the planning commission in accordance with Article 13 Site Plan Review. Insurance in a form and amount deemed acceptable by the City Attorney's office shall be provided with the application. Once initial approval has been granted by the planning commission, an annual license shall be issued by the building official. The license may be renewed annually by the building official, provided that it complies with the original planning commission approval and the requirements of this section. The building official may, at any time, refer an outdoor seating permit to the planning commission for renewal if the Building Official feels additional review is necessary.

2. ~~Unless a permanent outdoor seating enclosure is authorized in accordance with Section _____, outdoor seating shall be permitted between April 15th and October 31st, with all furniture and fixtures removed after October 31st. All tables, chairs, railings and related fixtures shall be removed when not in use. If weather permits, the Building Official may extend this time for outdoor seating on privately owned property only.~~

3. Outdoor seating shall not be the primary seating of the restaurant, except for carry-out restaurants when approved by the planning commission.

4. Outdoor seating areas shall be located in a manner to maintain a minimum pathway width of 5 feet (clear of structures such as light poles, trees and hydrants) along the sidewalk so as not to interfere with pedestrian traffic. ~~Outdoor dining areas may be either curbside or adjacent to the building front provided that the location change allows an appropriate walking path alignment with neighboring properties as determined by the City.~~

5. Chairs and tables shall be of quality durable material such as metal or wood.

6. Outdoor seating areas shall be maintained in a clean and sanitary condition. Waste receptacles shall be provided in instances where wait staff does not clear all tables.

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7. Outdoor service areas shall be well-defined, with clearly marked access points, making it obvious to patrons whether they are within or outside of the designated dining area. Except in accordance with, the on-premises licensee shall not sell, or allow the consumption of, alcoholic liquor outdoors, except in the defined area. Outdoor seating areas shall be delineated by outlining the periphery in some manner as to distinguish the public walkway from dining area. This may be accomplished by the use of planters, railings, or walls reviewed and approved by the Planning Commission.

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8. For outdoor seating areas located within the public-right-of-way, approval by the corresponding jurisdiction (i.e. Farmington DPW, MDOT, or Road Commission for Oakland County) is required. Proof of Insurance naming the City as an additional insured, in a form and amount deemed acceptable by the City Attorney's office, shall be required. A license agreement in a form deemed acceptable to the City Attorney's office shall also be required.

9. If there is not adequate space to allow for outdoor dining on the sidewalk adjacent to the site, an elevated, ADA compliant, platform may be erected in a parking lot to create an outdoor dining area, but only if the City Engineer determines there is sufficient space available for this purpose given parking and traffic conditions. Specially designated parking spaces (ADA accessible, loading zones etc.) shall only be considered for use if the spaces can be temporarily replaced within a close proximity. Use of a public parking lot for such purpose shall require city council approval.

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10. Additional outdoor lighting and/or amplification is prohibited without approval of the City.

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11. Applicants may be asked to demonstrate that additional parking demand can be met before approval.

12. The City retains the right to revoke outdoor seating permits if all sections of this ordinance have not been met, or if the operation of such areas is found by the City to be dangerous or otherwise detrimental to surrounding uses or pedestrian or vehicular traffic.

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13. Applicants may seek a special land use approval for an enclosed accessory outdoor seating area to be used year-around. Such year use permits if granted shall be renewed annually.

i. Removable architectural elements such as awnings, canopies, marquees shall be approved by the Planning Commission with a recommendation from the DDA Design Committee. Such removable architectural elements may be permitted to project into the right of way provided that they are constructed to support applicable loads without any ground mounted supports on public property. Encroachments with less than 15' of clearance above the sidewalk shall not extend into or occupy more than two-thirds of the width of the sidewalk or 5 feet, whichever is less, and must not interfere with any existing or planned streetscape elements or infrastructure.

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ii. Permanent architectural features such as windows, balconies, overhangs and other architectural features that encroach into the right of way above 8' may be approved by the Planning Commission with a recommendation from the DDA Design Committee provided that they do not extend 2' or more into the right of way or create an obstruction and that the encroachment complies with the design review standards set forth in Section 35-152. Encroachments that extend more than 2' into the right of way will also require the approval of the City Council, and or applicable public agency having jurisdiction over the public right-of-way.

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iii. Permanent encroachments that create usable space such as cantilevered rooms, dormers, elevated walkways, balconies, bridges and similar projections may be approved by the Planning Commission with recommendation from the DDA Design Committee provided they comply with the design review standards set forth in Section 35-152, and must be approved by the City Commission and or applicable public agency having jurisdiction over the public right-of-way.

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Section 2. Chapter 35, Zoning, of the Farmington City Code, Article 12, "Special Land Uses," Section 35-158, "Special Land Use Specific Requirements" is hereby amended to add subsection BB as follows:

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BB. Outdoor Dining. Permanent and removable architectural features and/or encroachments shall be subject to the following design standards in addition to the special land use standards set forth in Section 35-152:

- i. Building materials shall possess durability and aesthetic appeal.
- ii. The building design shall include architectural features on the building facade that provide texture, rhythm, and ornament to a wall.
- iii. Colors shall be natural and neutral colors that are harmonious with both the natural and man-made environment. Stronger colors may be used as accents to provide visual interest to the facade.
- iv. The building design shall provide an interesting form to a building through manipulation of the building massing. This can be achieved through certain roof types, roof lines, and massing elements such as towers, cupolas, and stepping of the building form.
- v. These architectural elements shall be arranged in a harmonious and balanced manner.

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(c) – (h) [Unchanged]

Section 32. Repealer

All ordinances or parts of ordinances in conflict herewith are repealed.

Section 3. Severability

Should any section, subsection, paragraph, sentence, clause, or word of this ordinance be held invalid for any reason, such decisions shall not affect the validity of the remaining portions of the ordinance.

Section 4. Savings

This amendatory ordinance shall not affect violations of this ordinance or any other ordinance existing prior to the effective date of this ordinance and such violation shall be governed and shall continue to be separately punishable to the full extent of the law under the provisions of such ordinance at the time the violation was committed.

Section 5. Effective Date

Public hearing having been held hereon pursuant to the provisions of Section 1 03 of Act 11 0 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within twenty (20) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Farmington stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00A.M. to 5:00P.M., Local Time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

Section 6. Enactment

This Ordinance is declared to have been enacted by the City Council of the City of Farmington at a meeting called and held on the ____ day of _____, 2021 and ordered to be given publication in the manner prescribed by law.

- Ayes:
- Nays:
- Abstentions:
- Absent:

STATE OF MICHIGAN)
) ss.
COUNTY OF OAKLAND)

I, the undersigned, the qualified and acting City Clerk of the City of Farmington, Oakland County, Michigan, do certify that the foregoing is a true and complete copy of the Ordinance adopted by the City Council of the City of Farmington at a meeting held on the ____ day of _____, 2021, the original of which is on file in my office.

Mary Mullison, City Clerk
City of Farmington

- Adopted:
- Published:
- Effective: