



COMMERCIAL USES PERMITTED WITHIN THE CITY RIGHT-OF-WAY GP-47

PURPOSE: This administrative process saves time and expense by pre-establishing standards that must be followed for commercial uses within the City right-of-way.

Outdoor Seating – Permitted May 1 – November 1 (requires annual permit)

Portable Signage/Merchandise - Permitted Daily during regular business hours (must be removed at close of business each day). Portable signs must comply with Article 21 of the City of Manistee Zoning Ordinance.

Hours of operation – 7 am – 11 pm

Pathway/Circulation Room - At least five (5) feet of unobstructed pedestrian space is required. The five (5) feet of pedestrian space must be clear of obstructions caused by posts, hydrants or any other infrastructure.

If a perimeter enclosure is used, adequate space must be provided within an enclosed outdoor dining area to permit movement of patrons and wait staff. Wait staff may not serve patrons from beyond the perimeter enclosure.

Furniture - All furniture and fixtures must be durable and of sufficiently sturdy construction as not to blow over with normal winds. A wide range of furniture styles, colors and materials are permitted. All furniture and fixtures must be maintained in good visual appearance, without visible fading, dents, tears, rust, corrosion, or chipped or peeling paint. All furniture and fixtures must be maintained in a clean condition at all times. No plastic or florescent furniture is permitted.

Umbrellas - To ensure effective pedestrian flow, all parts of any umbrella (including the fabric and supporting ribs) must be contained entirely within the outdoor seating area. If the umbrella has a minimum height of eight feet so as to provide adequate space for average height adults to walk underneath it may be outside the seating area with review and approval by the DDA Director or Planning & Zoning Administrator. Umbrellas must not contain signage for the restaurant or for any other entity in the form of wording, logos, drawings, pictorial or photographic representations, or any other likewise identifying characteristic. Umbrella fabric must be of a material suitable for outdoor use and must be canvas-type. No plastic fabrics, plastic/vinyl-laminated fabrics, or any type of rigid materials are permitted.

Barriers/Fencing Sectional fencing (generally defined as rigid-fence segments that can be placed together to create a unified fencing appearance) is an option for outdoor seating areas. Such fencing is portable, but cannot be easily shifted by patrons or pedestrians, as can less rigid forms of enclosures. Sectional fencing must be of metal (aluminum, steel, iron or similar) and painted or coated black. Any barrier (whether sectional fencing or rail-type) must be freestanding without any permanent or temporary attachments to buildings, sidewalks or other infrastructure. Any access opening within the

barrier must measure no less than 44 inches in width. Access openings should be placed in a location that will not create confusion for visually impaired pedestrians.

Planters - Planters may be used in addition to or in place of other barrier designs in order to provide added visual interest and create a more attractive and welcoming atmosphere. Empty planters or planters with only bare dirt, mulch, straw, woodchips or similar material are not permitted.

Alcohol/Liquor - If an establishment is serving alcohol/liquor in an outdoor seating area within the City right of way it must operate in full compliance with the standards of the Michigan Liquor Control Commission and the design of any barrier shall meet the requirements of GP-47 contained here within.

Lighting - The use of decorative lighting is permitted. Lighting shall not create glare or fall outside the use area. Bare bulb neon, blinking or "Chasing lights are prohibited".

Cleaning - The owner is responsible to maintain and clean the area daily or as needed to maintain the space in an orderly fashion.

Portable Heaters - Standing portable propane heaters are permitted, subject to review and approval by the Fire Department. Electric or fuel heaters other than propane are prohibited.

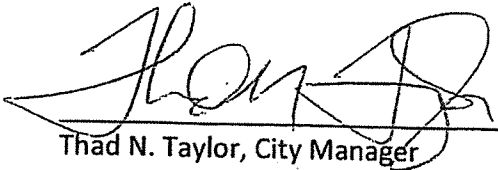
Outdoor Seating Permit - Permits for properties within the DDA District will be administered by the DDA Director. Permits for properties outside the DDA will be administered by the Planning and Zoning Administrator. A brief form with basic information about the restaurant and proposed number of seats is required and the application shall include:

- o Site Plan: A plan showing the proposed outdoor dining area with measurements (including a representation showing that at least five (5) feet of unobstructed sidewalk space will remain for pedestrians).
- o Photos or Drawing of Furniture: Photos or other graphic representation (including color and material) of furniture and umbrellas.
- o Applicant assumes full responsibility for any damage. Applicant must include proof of insurance that meets standards established by the City.
- o Failure to comply with the requirements of the policy could result in the cancellation of the permit.

Fee - There shall be a fee for the permit as established from time to time by the City Council by resolution which Fee Scheduled is incorporated herein by reference.

Outdoor Platform in Parking Space - The installation of an outdoor platform within a parking space may be permitted to allow additional space for outdoor seating. Outdoor platforms shall be constructed to standards established by the City.

Adopted: 02/21/2017



Thad N. Taylor, City Manager