

(Ord. No. 9-98, § 1, 4-1-98)

92.0379A Restaurants, standard (See Section 32.0079), not having drive-up or outdoor walk-up pass-through service, which may include the sale of beer or intoxicating liquor for consumption on the premises via a service bar only, and when the primary use of the license is to serve table-seated dining patrons subject to Section 66.0000 and subject to the following requirements except as adjusted by the Buildings and Safety Engineering Department. (The aforementioned drive-up or outdoor walk-up pass-through service shall be considered as a use variance by the Board of Zoning Appeals, as provided in Section 62.0403.)

(a) Freeway-type metal bumper guards, eighteen (18) inches in height shall be installed and properly maintained along the entire length of the rear or side property lines where adjoining or across a street or alley from residentially zoned or developed property, except where the restaurant building is located on this line, or except across necessary points of ingress and egress where the parking spaces to serve an existing building are accessible only by crossing this property line.

(b) Concrete curbing, six (6) inches in height shall be properly placed and maintained along or parallel to the outside edges of parking areas or driveways, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

(c) All outside trash receptacles shall be located within an enclosure constructed of opaque masonry materials a minimum of four (4) feet [in height] and a maximum of six (6) feet in height and shall be provided with opaque gates of the same height.

(d) Points of vehicular ingress and egress, except as provided for in (a) above, shall be limited to the adjacent thoroughfare having business-zoned frontage only, and site plans shall be reviewed by the Department of Public Works, Division of Traffic Engineering, for location and design of curb cuts and driveways and for layout of parking lots.

(e) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with the City Plumbing Code. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

(f) All lighting located on the premises shall be shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

(g) Exhaust and filtration systems from food preparation areas shall be installed after review by the Air Quality Management Division, Wayne County Department of Environment, to assure compliance with appropriate regulations.

(h) Repealed

(i) Food consumption upon the premises outside the restaurant building shall be prohibited, and, where deemed advisable by the enforcing official to assure compliance with this prohibition, the premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. Such signs shall be posted within the building near the checkout counter

of the restaurant and also within the parking area so as to be clearly visible from all vehicles on the premises.

(j) A minimum distance of five hundred (500) feet shall exist between the subject site and the nearest point of an elementary, junior high, or senior high school site.

(Ord. No. 16-96, § 1, 7-31-96; Ord. No. 9-98, § 1, 4-1-98)

92.0379B Restaurants, carry-out (See Section 32.0079), not having drive-up or out-door walk-up pass-through service, when located on a street designated as a major or secondary thoroughfare on the City of Detroit Future General Land Use Map of the Master Plan of Policies, subject to the following requirements except as adjusted by the Buildings and Safety Engineering Department. (The aforementioned drive-up or outdoor walkup pass-through service shall be considered as a use variance by the Board of Zoning Appeals, as provided in Section 62.0403.)

(a) Unpierced opaque masonry walls, a minimum of four (4) feet in height and a maximum of six (6) feet in height, shall be constructed and properly maintained along the rear or side property lines where adjoining or across a street or alley from residentially zoned or developed property; provided, that in all instances where a wall is required or installed, said wall shall be protected from possible damage inflicted by vehicles using the parking area by means of properly installed and maintained freeway-type metal bumper guards, eighteen (18) inches in height.

(b) Concrete curbing six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

(c) All outside trash receptacles shall be located within an enclosure constructed the same height as and of the same opaque masonry materials as the opaque masonry walls provided for in Subsection (a) above, and shall be provided with opaque gates of the same height.

(d) Points of vehicular ingress and egress, except as provided for in (a) above shall be limited to the adjacent thoroughfare having business-zoned frontage only, and site plans shall be reviewed by the Department of Public Works, Division of Traffic Engineering, for location and design of curb cuts and driveways and for layout of parking lots.

(e) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with the City Plumbing Code. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

(f) All lighting located on the premises shall be properly shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

(g) Exhaust and filtration systems from food preparation areas shall be installed after review by the Air Quality Management Division, Wayne County Department of Environment, to assure compliance with appropriate regulations.

(h) Repealed

(i) Food consumption upon the premises outside the restaurant building shall be prohibited and where deemed advisable by the enforcing official to assure compliance with this prohibition, the premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs shall be posted within the building near the checkout counter of the restaurant, and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises.

(j) A minimum distance of five hundred (500) feet shall exist between the subject site and the nearest point of an elementary, junior high, or senior high school site.

(Ord. No. 16-96, § 1, 7-31-96; Ord. No. 9-98, § 1, 4-1-98)

92.0379C Restaurants, fast-food (See Section 32.0079), not having drive-up or outdoor walk-up pass-through service, when located on a street designated as a major or secondary thoroughfare, on the City of Detroit Future General Land Use Map of the Master Plan of Policies, subject to the following requirements except as may be adjusted by the Buildings and Safety Engineering Department. (The aforementioned drive-up or outdoor walkup pass-through service shall be considered as a use variance by the Board of Zoning Appeals, as provided in Section 62.0403.)

(a) Unpierced opaque masonry walls, a minimum of four (4) feet in height and a maximum of six (6) feet in height, shall be constructed and properly maintained along the rear or side property lines where adjoining or across a street or alley from residentially zoned or developed property; provided, that in all instances where a wall is required or installed, said wall shall be protected from possible damage inflicted by vehicles using the parking area by means of properly installed and maintained freeway-type metal bumper guards, eighteen (18) inches in height.

(b) Concrete curbing six (6) inches in height, shall be properly placed and maintained along or parallel to all property lines, except where bumper guards are required and except across approved driveways, so as to prevent vehicular encroachment onto or over the public right-of-way and to prevent vehicular encroachment onto or over the adjoining property, or vehicular damage to the adjoining buildings.

(c) All outside trash receptacles shall be located within an enclosure constructed the same height as and of the same opaque masonry materials as the above-required opaque masonry walls and shall be provided with opaque gates of the same height.

(d) Points of vehicular ingress and egress, except as provided for in (a) above, shall be limited to the adjacent thoroughfare having business-zoned frontage only, and site plans shall be reviewed by the Department of Public Works, Division of Traffic Engineering, for location and design of curb cuts and driveways and for layout of parking lots.

(e) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with the City Plumbing Code. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking or driveway area by a raised curb or other equivalent barrier.

(f) All lighting located on the premises shall be properly shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

(g) Exhaust and filtration systems from food preparation as shall be installed after review by the Air Quality Management Division, Wayne County Department of Environment, to assure compliance with appropriate regulations.

(h) Repealed

(i) Food consumption upon the premises outside the restaurant building shall be prohibited and the premises shall be properly posted with signs stating that the consumption of foods, frozen desserts, or beverages within vehicles parked upon the premises is unlawful and that violators are subject to fines as prescribed by law. A minimum of two (2) such signs shall be posted within the building near the checkout counter of the restaurant, and a minimum of four (4) such signs shall be posted within the parking area so as to be clearly visible from all vehicles on the premises.

(j) A minimum distance of five hundred (500) feet shall exist between the subject site and the nearest point of an elementary, junior high, or senior high school site.

(Ord. No. 9-98, § 1, 4-1-98)

94.0379D Restaurants, drive-in, when located on a street designated on the master plan of trafficways as a major thoroughfare subject to the following requirements, except as may be adjusted by the Buildings and Safety Engineering Department:

(a) An unpierced masonry wall six (6) feet in height shall be constructed and properly maintained on all sides of the premises so used, except across approved points of vehicular and pedestrian access; provided that wire mesh fencing six (6) feet in height, not exceeding two (2) inch mesh and made of number nine (9) or heavier wire, may be used in lieu of the required masonry wall on those lot lines not adjacent to a street or alley, but contiguous to property zoned in a business or industrial district classification; and further provided that no wall or fence shall be required on that portion of a lot line where there is a building or structure serving the purpose of a wall; and further provided that on the side of the property abutting the access street, the above described wall may be reduced to a height of two feet six inches (2'6").

(b) In all instances where a wall or fence is required, said wall or fence shall be protected from possible damage inflicted by vehicles using the parking area by means of properly installed and maintained freeway-type metal bumper guards, eighteen (18) inches in height.

(c) All outside trash receptacles (except those intended for use by the customer) shall be located within a six (6) foot high enclosure constructed of the same opaque masonry materials as the above-required opaque masonry walls and shall be provided with opaque gates of the same height.

(d) Points of vehicular and pedestrian ingress and egress shall be limited to the adjacent major and/or secondary thoroughfares only, and site plans shall be reviewed by the Department of Public Works, Division of Traffic Engineering, for location and design of curb cuts and driveways.

(e) The entire parking area shall be paved with a permanent surface of concrete or asphaltic cement and shall be graded and drained in accordance with the City Plumbing Code. Any unpaved area of the site shall be landscaped with lawn or other horticultural materials, maintained in a neat and orderly fashion at all times, and separated from the paved parking or driveway area by a raise curb or other equivalent barrier.

(f) Any lighting located on the premises shall be properly shaded and screened so as to be directed away from all adjoining residentially zoned or developed property.

(g) Exhaust and filtration systems from food preparation areas shall be installed after review by the Air Quality Management Division, Wayne County Department of Environment, to assure compliance with appropriate regulations.

(h) A minimum of one (1) parking space shall be provided on site for each one hundred (100) square feet of gross floor area of the restaurant building.

(i) A minimum distance of five hundred (500) feet shall exist between the subject site and the nearest point of an elementary, junior high or senior high school site.

(Ord. No. 33-97, § 1, 9-10-97)

### 32.0079 Restaurants.

It shall be the duty of the enforcing official (the Buildings and Safety Engineering Department) to assign all restaurant applications to one of the following restaurant categories. In instances where the appropriate category is unclear, or where the applicant and enforcing official disagree on the appropriate category, the matter shall be referred to the Planning and Development Department for determination of the appropriate classification.

It shall be unlawful for any person or for any restaurant owner, operator, manager, franchise holder, or anyone else in authority to consume or allow or to permit the consumption of foods, frozen desserts, or beverages outside the restaurant building or in motor vehicles parked upon the restaurant premises.

The prohibition shall not apply to:

(A) Drive-in restaurants;

(B) Standard restaurants or fast-food restaurants in the B4 District which, after a public hearing held in accordance with the provisions of Section 65.0000, have been approved for a designated outdoor eating area. Any such designated outdoor eating area shall be clearly segregated from all parking areas required by Section 47.0108R of this Ordinance.

Compliance with this section shall be enforced by issuing a ticket to the persons in authority allowing such consumption, as prescribed by Section 63.0100 of this ordinance. Continued violation of this section may result in the revocation of the restaurant's operating permits.

A) Standard restaurant. A standard restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or principal method of operation includes one or both of the following characteristics:

1. Customers are normally provided with an individual menu, and served foods, frozen desserts, or beverages by a restaurant employee at the same table or counter where said items are consumed.

2. A cafeteria-style operation where foods, frozen desserts, or beverages generally are consumed within the restaurant building.

**B) Carry-out restaurant. A carry-out restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, and whose design or method of operation includes both of the following characteristics:**

**1. Foods, frozen desserts, or beverages are usually served in edible or disposable containers.**

**2. The consumption of foods, frozen desserts, or beverages within the restaurant building, within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is posted as being prohibited, such prohibition being strictly enforced by the restaurateur.**

**C) Fast-food restaurant. A fast-food restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state for consumption either within the restaurant building or for carry-out with consumption off the premises, whose delivery of food to the customer may include service via a drive-up or outdoor walk-up pass-through window, and whose design or principal method of operation includes both of the following characteristics:**

**1. Foods, frozen desserts, or beverages are usually served in edible or disposable containers.**

**2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building other than designated and approved outdoor eating areas, is posted as being prohibited and such prohibition is strictly enforced by the restaurateur.**

**D) Drive-in restaurant. A drive-in restaurant is any establishment whose principal business is the sale of foods, frozen desserts, or beverages to the customer in a ready-to-consume state, whose delivery of food to the customer may include service via a drive-up or outdoor walk-up pass-through window, and whose design, method of operation, or any portion of whose business includes both of the following characteristics:**

**1. Foods, frozen desserts, or beverages are served directly to the customer in a motor vehicle either by a car-hop or by other means, eliminating the need for the customer to exit the motor vehicle.**

**2. The consumption of foods, frozen desserts, or beverages within a motor vehicle parked upon the premises, or at other facilities on the premises outside the restaurant building, is allowed or encouraged.**