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MEMORANDUM

TO: Planning Commission
FROM: Salam Habhab, Planner
SUBJECT: Proposed Ordinance Amendments - Initial Discussion
DATE: March 31, 2021

PROPOSED AMENDMENTS

ITEM 1: OUTDOOR STORAGE OF PERSONAL RECREATIONAL VEHICLES

At the March 1, 2021, Planning Commission meeting, staff introduced information to allow the outdoor storage of personal recreational vehicles associated with mini-warehousing facilities. A significant portion of the discussion was related to whether the outdoor storage use would be permitted when adjoining residential districts with the provision of adequate landscape buffer and/or screening or such use shall not be permitted to abut any residential districts.

Based on the feedback from the Planning Commission, staff researched, edited, and changed the ordinance language (attached for discussion purposes only) and would like to continue the discussion focusing on the following points:

Type of Use

The outdoor storage of recreational vehicles will be ancillary use to a permitted, on premises mini-warehousing facility subject to the regulations of section 5.57 of the Zoning Ordinance. The outdoor storage is used exclusively for storing personal property of recreational vehicles, as identified in Section 2.2 of the Zoning Ordinance.

Table 01, below, provides a comparison for mini-warehousing facilities and the proposed outdoor storage use within neighboring jurisdictions. The table addresses the development process, permitted districts, additional landscaping and screening, and specific regulations for the outdoor storage use. In these jurisdictions the outdoor storage of recreational vehicles is

permitted as ancillary/accessory use to the mini-warehousing facilities (self-storage facilities). The outdoor storage of recreational vehicles complies with the general regulations of off-street parking and landscape and buffer yards; no specific conditions are provided for the outdoor storage of recreational vehicles.

Table 01. Mini-Storage Facility (Self-Storage Facility) Regulations in Various neighboring Jurisdictions						
Jurisdictions	District/Development process		Outdoor Storage of recreational facilities	Adjacent to residential	Screening & Landscaping	Specific Regulations for outdoor storage
	Commercial	Industrial				
Watertown Township	By special use permit	Light Industrial; by right	Permitted; §28-4.42 Mini-Storage - accessory use	May abut residentially zoned or used property	Shall meet the general screening, landscape, and buffer yards requirements	None-specified
St. Johns City	Not permitted	I-2; by special use permit	Permitted; §155.447 Storage Facilities - ancillary use	May abut residentially zoned or used property	All outdoor storage areas shall be appropriately screened from surrounding property as determined by the PC. Transitional area when adjacent residential; combination of vegetated area and privacy fencing	None-specified
Meridian Township	C-3 Commercial District by special use permit	Not permitted	Permitted; §86-405 Mini-storage Establishments - ancillary use	In General C-3 district does not abut a residential district	Shall meet the general screening, landscape, and buffer yards requirements	None-specified

Permitted Districts and Development Process

As indicated previously, mini-warehousing facilities are permitted by right in the IL, Light Industrial and BC, Community Businesses districts subject to the regulations of Section 4.57 of the Zoning Ordinance; outdoor storage of any kind is prohibited.

Staff proposes that the outdoor storage of recreational vehicles would be permitted in the IL and BC districts subject to the following development processes:

- **IL District.** Outdoor storage of recreational vehicles shall be permitted by right and by special use permit when adjoining residentially zoned or used properties.
- **BC District:** Outdoor storage of recreational vehicles shall be permitted by special use permit.

Table 02, below, compares the proposed outdoor storage or recreational vehicles (associated with mini-warehousing facilities) with various existing land uses within the Township that permit similar outdoor storage facilities.

Table 02. Development Standards for Various Existing Land Uses within the Township and the Proposed Outdoor Storage of Recreational Vehicles				
Development process and Standards	§ 4.55	§4.69	§ 4.57	
	Outdoor Vehicle Sales, Vehicle Repair & storage Facility	Salvage and Junk Yards	Mini-warehousing Facility	Proposed - Outdoor Storage of RV's
BC District	By special use permit	Not permitted	By right	By special use permit
IL District	By right	By special use permit	By right	By right and by special use permit When adjoining residentially zoned or used properties
Minimum Setback Requirements				
Front	As stipulated in the BC and IL districts, see Table 03, below.	100', landscaped with trees and grass	As stipulated in the BC and IL districts. Except for: Highway R.O.W, 75' Road R.O.W, 40'	Not permitted unless authorized by the P.C.
Side, Non-residential		75'		As stipulated in the BC and IL districts
Side, Residential		75' Landscaped plantings may be required by P.C		50' landscape buffer
Rear, Non-residential		50' Landscaped plantings may be required by P.C		As stipulated in the BC and IL districts
Rear, Residential				50' landscape buffer
Fencing	May be required by the P.C.	Solid or opaque fence 8 feet around the entire periphery	May be required by the P.C.	May be required by the P.C.

Landscape Buffer

Staff proposes that a landscape buffer shall be provided whenever an outdoor storage of recreational vehicles is proposed as the following:

- **Residential properties and public roads.** A landscape buffer shall be constructed to create a visual screen at least 50 feet along all property lines directly adjoining residentially zoned or used properties and/or public roads.
- **Non-residential properties.** A landscape buffer shall be constructed to create a visual screen consistent with the regulations of Section 5.12.C.4 Buffer Yard Requirements.
- **Conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances.** For reasons of conflicting uses, unfavorable topography, or other extenuating physical circumstances, the Planning Commission may require berms, screening, and/or additional plantings used separately or in combination in any of the required landscape buffer as deemed necessary as stated in Section 5.12.C.7.
- **Landscape material.** The landscape buffer shall be occupied by various planting material planted in a manner that effectively screens the facility from public view subject to the approval of the Planning Commission.

Tables 03 and 04, below, provide the required setbacks and the buffer yard requirements for the IL and BC districts, mini-warehousing facility, and the proposed landscape buffer for the outdoor storage of recreational vehicles use.

Table 03. Minimum Setbacks Requirements and Proposed Landscape Buffer				
Location	Minimum Setbacks Requirements			Proposed Landscape Buffer
	BC District	IL District	Mini-warehousing facility	Outdoor Storage of Recreational vehicles
Front	25'	Industrial; 40' Non-industrial; 75'	As stipulated in the BC and IL districts	Shall be subject to the P.C approval
Rear	40'	Non-residential; 40' Residential; 100'		As stipulated in Section 5.12 Landscape and Buffer Yards Residential; 50'
Side	Non-residential; 0 * Residential; 25'	Non-residential; 20' Residential 100'		As stipulated in Section 5.12 Landscape and Buffer Yards Residential; 50'
Highway	-	-		R.O.W; 75'
Street	* 25'	-	R.O.W; 40'	R.O.W; 50'

*B.C any side abutting residential or street; yard shall be fenced and/or planted to adequately screen use

Table 04. Buffer Yard Requirements						
Proposed Land Use	A and Residential	Commercial	Industrial	POD	Street	Highway
	Buffer Yard Type - Width					
BC	B - 10'	A - 5'	A - 5'	A - 5'	A - 5'	B - 10'
IL	D - 30' MHP, C - 20'	C - 20'	A - 5' IP; B - 10'	C - 20'	E - 40'	E - 40'
Outdoor Storage of recreational Vehicles	50'	As stipulated in the BC and IL districts.			50'	50'

Attachment:

- A “draft ordinance” for discussion purposes only.

ITEM 2: OUTDOOR DINING

Similarly, at the March 1, 2021, Planning Commission meeting, staff introduced information to allow outdoor dining associated with food service establishments. The Planning Commission provided feedback about the length of the proposed time limit for the temporary outdoor dining permit, the noise associated with the outdoor dining, and whether such use shall be permitted when directly adjoining residential districts.

Based on the Planning Commission’s feedback, staff researched, edited, and changed the ordinance language (attached for discussion purposes only) and would like to continue the discussion focusing on the following:

Type of Use and Development Process

The outdoor dining services associated with restaurants shall be ancillary to a permitted, on-premises restaurant or similar food-service establishment that is located in the commercial districts (BL, BC, and BSC). The outdoor dining shall be subject to the development process for the district in which they are located.

Staff would like to differentiate between two development processes for the outdoor dining:

- i. **Site plan approval.** If a new or expanded dining is part of a site plan review or special use permit application, the applicant shall comply with the development procedures as outlined in Section 6.1 of the Zoning Ordinance.
- ii. **Zoning Compliance:** If a new or expanded outdoor dining is proposed with an existing restaurant and the applicant desires to provide temporary outdoor dining. In that case, the applicant shall submit a zoning compliance application to ensure compliance with the

regulations of Section 4.81 subject to the approval of the DeWitt Charter Township Planning, Building, Fire, and Police Departments.

Table 05, below, provides the required development process for restaurants and restaurants with drive-through facilities

Table 05. Development Process for Restaurants, with drive-through facilities			
Development Process	Commercial District		
	BL	BC	BSC
By Right	permitted	Permitted	Permitted
By special use permit	When adjoining residential facilities	When adjoining residential facilities	-

General Conditions

- **Permit period.** All temporary outdoor dining shall be permitted for 150 days per year; the permit might be renewed annually.
- **Hours of operation.** The hours of operation shall be consistent with the principal business hours, unless the outdoor dining is directly adjacent to residentially zoned or used properties. In that case, the hours of operations shall cease by 10 PM.
- **Noise.** No amplified music shall be permitted in outdoor dining areas. Outdoor dining shall abide by the Township’s Noise Ordinance as stated in Section 26-119; “Playing or amplifying any radio, phonograph, stereo, tape or disc player or musical instrument or loudspeaker in a such a manner or with such volume so as to annoy or disturb the quite, comfort or repose of persons in any place of business, or any dwelling, hotel or other type of residence, or of any persons in the immediate vicinity.”
- **Alcoholic Beverages.** The sale or consumption of alcoholic beverages shall be permitted when specific regulations are met.

Table 05, below, provides a comparison for the outdoor dining use in neighboring jurisdictions. The table addresses the land use, permitted districts, development process, permitted districts, time frame, and specific regulations for the outdoor dining use. While each of these jurisdictions permits outdoor dining using various development processes, all of them provide specific regulations about the noise, alcoholic beverages, and/or hours of operations.

Table 05. Outdoor Dining Regulations in Various neighboring Jurisdictions				
Jurisdiction	Land Use	Districts	Time Frame	Specific Conditions
St. Johns	Sidewalk café'	GC (General Commercial) and CBD (Central Business) by special use permit	Not-specified	Outdoor speakers are prohibited. Specific hours of operation as established in SUP
Meridian Township	Outdoor eating area, accessory use to restaurants or other eating establishments	C-1, C-2 Commercial District, by right subject to a site plan review. Permitted as amenities in the Commercial Planned Unit Development (C-PUD) and Mixed use planned unit development of 300 sf of more (social interaction)	Not-specified	Either attached or immediately adjacent to the principal building. C-2, may serve alcoholic beverages for consumption on premises or for carry out.
City of East Lansing	Outdoor Seating, Sales, and Service	Downtown Commercial areas; application form	March 15 through November 15	Restaurants that sell alcohol must close their outdoor dining at or before 12pm. No amplified music will be allowed on the public space without prior special permission from City Council.

Attachment:

- A “draft ordinance” for discussion purposes only.

NEXT STEP:

Once staff has more direction from the Planning Commission, staff will work on drafting an ordinance language based upon those discussions.

Draft for Discussion Purposes Only

2.22 Definitions

Mini warehouse means a building or portion thereof designed or used exclusively for storing personal property of an individual or family when such is not located on the lot with their residence. The term "personal property" may include, but is not limited to, passenger motor vehicles, house trailers, motorcycles, boats, campers which are generally stored in residential accessory structures.

Recreation vehicle means small mobile units principally designed for recreational pastime, such as motor homes, camper trailers, pickup campers, tent trailers, and similar camping type vehicle or trailers.

4.57 MINI-WAREHOUSING

Mini-warehousing is permitted by right in the BC and IL districts, provided mini-warehouses meet all of the following:

- A. Minimum site area shall be not less than 30,000 square feet with not less than 100 feet of frontage.
- B. Lot coverage. Mini-warehousing structures including an office shall not cover more than 50 percent of the total lot area.
- C. Off-street parking shall ~~be~~ meet required off- street parking standards and be based on gross storage area and where applicable.
- D. Concrete and/or asphalt paving shall be provided for site access and vehicular movement on site and shall be as follows:
 1. Site access shall not be less than 24 feet.
 2. A minimum of 30 feet of paving shall abut any side of a building providing access to a storage compartment and a minimum of 24 feet shall be provided on any side of a structure not providing access to storage.
 3. Paving as required in subsections ~~A and B~~ 1 & 2 of this section shall be connected to provide continuous forward movement through the site.
 4. Curbing shall be provided at drive entrance approaches to the site.
- E. Curbing shall be provided at drive entrance approaches to the site.
- F. Signs where provided shall be as permitted in Section 5.4. All parking and drives for one-way traffic shall be clearly marked with appropriate signage above grade or on the pavement itself or some combination of both to ensure safe and appropriate use of paved area as designed.
- G. Landscaping and/or fencing may be required as shall be determined by the planning commission during site plan review where deemed necessary to minimize adverse effects on adjoining properties.
- H. Business activities. No business activity other than the rental of storage space or units shall be conducted and outdoor storage of any kind is prohibited, [except as provided in Section 4.57.K of this section.](#)
- I. Hazardous materials. The storage of flammable, dangerous, toxic, or explosive materials shall be prohibited. [Fuel tanks on any motor vehicle will be drained or removed prior to storage.](#)
- J. Setbacks. All buildings or structures shall be set back a minimum of 75 feet from the right-of-way of state or federal highways and 40 feet from the right-of-way of all other roads. The first 40 feet off a road right-of-way may not be used for parking and shall remain clear. All other setbacks shall be as stipulated to in Article 3.

- K. Outdoor storage of personal recreational vehicles, such as campers, trailers, boats, and the like is permitted by right in IL district and by special use permit in the BC district and in the IL district when adjoining residentially zoned and used properties. All outdoor storage facilities shall be ancillary use to a permitted, on premises mini-warehousing facility and shall be subject to the following:
- i. Outdoor self-storage facility shall be designated within the site and identified on the site plan.
 - ii. All designated areas for outdoor parking of recreational vehicles shall be paved with hard surfaces such as concrete; asphalt; or consist of permanent, durable and dustless surfaces such as gravel or crushed stones, and shall be graded to provide adequate drainage.
 - iii. Outdoor parking areas shall be designed specifically for storing or parking personal recreational vehicles. No commercial repair work, servicing, or selling of any kind shall be conducted in any parking area.
 - iv. Each parking space shall be provided with adequate access by means of maneuvering lanes. The width of the required parking spaces and maneuvering lanes may vary depending on the size of the recreational vehicles and upon the proposed parking pattern.
 - v. Outdoor parking areas shall be designated within the rear and side yards. No recreational vehicles shall be parked or stored in the front yard area, unless approved by the Planning Commission.
 - vi. A landscape buffer shall be constructed to create a visual screen at least 50 feet along all property lines directly adjoining residentially zoned or used properties. The landscape buffer shall be occupied by planting material planted in a manner that effectively screen the facility from public view subject to the approval of the Planning Commission.
 - vii. For reasons of conflicting uses, unfavorable topography, or other unique or extenuating physical circumstances, the Planning Commission may require berms, screening, or additional plantings used separately or in combination in any required buffer yard, if in its discretion is found to be necessary to reasonably achieve stated utilitarian and aesthetic objectives.

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4.81 Outdoor Dining

All outdoor dining shall be ancillary to a permitted, on-premises restaurant or similar food-service establishment. Restaurants may add new or expanded existing outdoor dining subject to the following conditions:

1. Any restaurant desiring to offer temporary outdoor dining services that might encroach into the required off-street parking spaces or private sidewalk shall be permitted for a limited period of 150 days per year. The permit is subject to an annual renewal.
 - a. **Private Sidewalks.** When the proposed outdoor dining area occupies a private sidewalk, a minimum of five (5) feet of unobstructed pedestrian access along the sidewalk shall be maintained.
 - b. **Off-Street Parking Spaces.** When the proposed outdoor dining occupies any parking spaces, the remaining number of parking spaces shall comply with the minimum off-street parking requirement as set forth in Section 5.10 of this chapter.
 - i. Outdoor dining shall not encroach into the required barrier-free parking spaces. Barrier-free parking spaces shall comply with the requirements of Michigan Building Code and the Americans with Disabilities Act.
 - ii. Outdoor dining shall not interfere with safe pedestrian and vehicular circulation or with any emergency access.
 - iii. Adequate ingress and egress to the parking area shall be maintained in accordance with the provision of Section 5.10 of this chapter.
 - c. Approval of adjacent business owners and/or tenants is required when a temporary outdoor dining encroaches into adjacent lands or uses.

2. General Standards.

- a. Outdoor dining areas shall not extend over or into the public right-of-way.
- b. Outdoor dining shall comply with all applicable state and local laws regulations related to noise, odor, litter, or any livability matters.
 - i. The exterior of the premises shall be kept in a clean and maintained condition.
 - ii. No amplified music shall be permitted in the outdoor dining area.
- c. The hours of operation for outdoor dining shall be consistent with the principal business hours.
 - i. When adjacent to residentially zoned or used properties, operations shall cease by 10:00 pm.
 - ii. The Planning and Zoning Administrator may impose additional conditions or limitations relating to noise when the outdoor dining area is directly adjacent to residentially zoned or used properties.

- d. Any sale or consumption of alcoholic beverages shall comply with any federal, state, and local laws.
 - i. Where there is outdoor service of alcoholic beverages, the outdoor service area shall be enclosed.
 - ii. Enclosures shall consist of metal railing, wood railing, or other suitable materials approved by the Planning and Zoning Administrator and Building Official.
 - iii. Outdoor sale and consumption of alcoholic beverage shall be served only to patrons who are seated in the defined enclosed outdoor dining area.

3. Approval Process:

- a. If the proposed outdoor dining is part of a site plan review or special use permit, the applicant shall comply with the provision of the development procedures as set forth in Section 6.1 of this chapter.
- b. For all new or expanded temporary outdoor dining associated with existing restaurant, the applicant shall submit a Zoning Compliance permit to ensure compliance with the regulations of Section 4.81 of this section subject to the approval of the DeWitt Charter Township Planning Building, Fire, and Police Departments.
- c. The site plan shall depict all of the outdoor dining seating furniture, fixtures, and any objects associated with the outdoor dining and the distances between such objects to ensure adequate circulation is provided.
 - 1. The site plan shall identify the area where the outdoor furniture or fixtures will be stacked when the facility is closed. It shall be noted on the site plan if the furniture will be moved to the inside or left outside.
 - 2. The site plan shall identify the waste receptacle location and the manner in which the business will manage the waste daily.
 - 3. The site plan shall be reviewed and inspected by the Building Official for compliance with current township fire and state construction codes.
 - 4. A building permit may be required when deemed necessary by the Building Official.