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MANAGER
Andrew Dymczyk

MEMORANDUM

TO: Township Board
Andrew Dymczyk – Township Manager

FROM: Salam Habhab, Planner

SUBJECT: Proposed Ordinance Amendment 21-2 Outdoor Storage of Recreational Vehicles and Outdoor Dining

DATE: July 21, 2021

RECOMMENDED ACTION

Ordinance 21-2

The Township Board, based on a unanimous recommendation from the Planning Commission at their meeting of June 7, 2021, and after finding that the proposed amendment has complied with the process for amending the Zoning Ordinance, approve the second reading of Zoning Ordinance Amendment 21-2 which, updates and amends the DeWitt Charter Township Zoning Ordinance for the purposes of allowing:

- a. Outdoor storage of personal recreational vehicles in the Light Industrial (IL) zoning district and Community Business (BC) zoning district subject to certain design and performance standards, and;
- b. Outdoor dining as a use permitted under special conditions.

STRATEGIC PLAN

Strategic Initiatives: Community and Economic Development

Strategies: Utilize strong planning principles and a policy of managed growth.

Objectives:

- Evaluate planning and zoning processes to ensure appropriateness and efficiency.
- Review and update Ordinances to ensure they are meeting the long-term goals of the Township.

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Phone: 517.482.5117
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BACKGROUND

At the June 28, 2021 Township Board meeting, the Board concurred with the Planning Commission's recommendation and approved on first reading with the Planning Commission recommended action.

Attachment: Proposed Ordinance Amendment 21-2

DEWITT CHARTER TOWNSHIP
CLINTON COUNTY, MICHIGAN

ORDINANCE NO. 21-2

PREAMBLE

AN ORDINANCE TO AMEND THE DEWITT CHARTER TOWNSHIP ZONING ORDINANCE; TO AMEND ARTICLE 4.0 "USE STANDARDS" SECTION 4.57 "MINI-WAREHOUSING," TO PERMIT OUTDOOR STORAGE OF PERSONAL RECREATIONAL VEHICLES IN THE LIGHT INDUSTRIAL (IL) AND COMMUNITY BUSINESS (BC), SUBJECT TO CERTAIN DESIGN AND PERFORMANCE STANDARDS; TO AMEND ARTICLE 4.0 "USE STANDARDS" TO ADD SECTION 4.83, TO PERMIT OUTDOOR DINING USES AS A USE PERMITTED UNDER SPECIAL CONDITIONS; TO REPEAL ORDINANCES IN CONFLICT HERewith; AND TO ESTABLISH AN EFFECTIVE DATE HEREOF.

The Charter Township of DeWitt, Clinton County, Michigan ordains:

SECTION I. AMENDMENT OF DEWITT CHARTER TOWNSHIP ZONING ORDINANCE ARTICLE 4.0, "USE STANDARDS" TO AMEND SECTION 4.57, "MINI-WAREHOUSING."

ARTICLE 4.0, "USE STANDARDS" SECTION 4.57 "MINI-WAREHOUSING," subsection H, "BUSINESS ACTIVITIES" shall be and is hereby amended as follows:

Section 4.57 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 subsection 4.57.K of this section.

SECTION II. AMENDMENT OF DEWITT CHARTER TOWNSHIP ZONING ORDINANCE ARTICLE 4.0, "USE STANDARDS" TO AMEND SECTION 4.57, "MINI-WAREHOUSING" TO ADD SUBSECTION 4.57.K "OUTDOOR STORAGE OF PERSONAL RECREATIONAL VEHICLES."

ARTICLE 4.0, "USE STANDARDS" SECTION 4.57 "MINI-WAREHOUSING", subsection 4.57.K, "OUTDOOR STORAGE OF PERSONAL RECREATIONAL VEHICLES" shall be and is hereby added to read as follows:

Subsection 4.57.K OUTDOOR STORAGE OF PERSONAL RECREATIONAL VEHICLES.

- K. Outdoor storage of personal recreational vehicles. Outdoor storage of personal recreational vehicles, such as campers, trailers, boats, and the like, is permitted by special use permit in the BC district and by right in the IL district unless directly adjacent to residentially zoned or used properties. All outdoor storage facilities shall be an 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 permanent, durable and dustless surfaces such as gravel or crushed stones.
 - iii. Outdoor parking areas shall be designed specifically for storing or parking personal recreational vehicles. No commercial repair work, servicing, or sale 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 adjacent to residentially zoned or used properties. The landscape buffer shall be occupied by plantings (e.g., shrubbery, privacy trees) planted in a manner that effectively screens 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.
 - viii. Outdoor storage of personal recreational vehicles area may be contained within carports, subject to the lot coverage standard in Section 4.57.B. Modification from that standard may be permitted only if, in a request to and the subsequent opinion of the Planning Commission, strict application of the lot coverage would result in practical difficulties to the property owner due to special circumstances or conditions affecting the property.

- a. Modification from the lot coverage standard shall only be permitted with respect to the provision of carports of personal recreational vehicles storage area and;
- b. Modification from the lot coverage standard shall not be granted unless and until the applicant can demonstrate to the Planning Commission that there are special circumstances or conditions affecting the property.
- c. Requests for a variance from the lot coverage standard of Section 4.57.B that is not related to the provision of carports shall be made to the Zoning Board of Appeals, pursuant to the procedures, rules, and conditions contained in Section 7.9.P.

**SECTION III. AMENDMENT OF DEWITT CHARTER TOWNSHIP ZONING ORDINANCE
ARTICLE 2.0, "DEFINITIONS" SECTION 2.2 "DEFINITION" TO AMEND
"RESTAURANT" AND ADD "OUTDOOR DINING."**

ARTICLE 2.0 "DEFINITIONS" SECTION 2.2 "DEFINITIONS," shall be and is hereby added to read as follows:

Restaurant, means a building where food is prepared and consumed within an enclosed building or elsewhere on the premises.

Restaurant, outdoor dining, means a location where food is served and consumed within an outdoor seating area consists of tables, chairs, and other outdoor objects, associated with the outdoor dining, located directly adjacent to the principal building.

**SECTION IV. AMENDMENT OF DEWITT CHARTER TOWNSHIP ZONING ORDINANCE
ARTICLE 4.0, "USE STANDARDS" TO ADD SECTION 4.83, "OUTDOOR DINING."**

ARTICLE 4.0, "USE STANDARDS" SECTION 4.83 "OUTDOOR DINING" shall be and is hereby added to read as follows:

Section 4.83 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. Temporary Outdoor Dining. Temporary outdoor dining shall be permitted for a limited period of 150 consecutive days per year, subject to annual renewal. Any restaurant desiring to offer temporary outdoor dining services that might extend into the required off-street parking spaces or private sidewalks shall be permitted subject to the following conditions:

- i. Private Sidewalks. If 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.
- ii. Off-Street Parking Spaces. If the proposed outdoor dining occupies any existing off-street parking spaces, compliance with the minimum off-street parking requirements shall be required as set forth in section 5.10 of this chapter.
 - a. The outdoor dining shall be located adjacent to or directly in front of the restaurant.
 - b. A physical barrier or separation must be provided to protect customers from vehicle traffic subject to the approval of the DeWitt Charter Township Planning, Building, and Fire departments.
 - c. Outdoor dining shall not extend into the required barrier-free parking spaces. Barrier-free parking spaces shall comply with the requirements of the Michigan Building Code, the Americans with Disabilities Act, and all applicable law.
 - d. Outdoor dining shall not interfere with safe pedestrian and vehicular circulation or with any emergency access.
 - e. Adequate ingress and egress to the parking area shall be maintained in accordance with the provision of Section 5.10 of this chapter.
- iii. Written permission of neighboring businesses and property owners is required when additional space is needed to extend the outdoor dining into immediate adjacent businesses or properties.

2. General Standards.

- i. Outdoor dining areas shall not extend over or into the public right-of-way.
- ii. Outdoor dining shall comply with all applicable state laws and local regulations related to noise, odor, litter, or any livability matters.
 - a. The exterior of the premises shall be kept in a clean and maintained condition.
 - b. No amplified music shall be permitted in the outdoor dining area.
- iii. The hours of operation for outdoor dining shall be consistent with the principal business hours. When adjacent to residentially zoned or used properties, operations shall cease by 10:00 pm.
- iv. The Planning and Zoning Administrator may impose additional conditions or limitations on the outdoor dining services to protect against adverse impacts from noise, traffic, parking, or fire, and to protect persons with disabilities.
- v. Any sale or consumption of alcoholic beverages shall comply with any federal, state, and local laws.
 - a. Written permission from the property owner is required to provide outdoor sale and consumption of alcoholic beverages.

- b. Where there is outdoor service of alcoholic beverages, the outdoor service area shall be enclosed.
- c. Enclosures shall consist of metal railing, wood railing, or other suitable materials approved by the Planning and Zoning Administrator and Building Official.
- d. Outdoor sales and consumption of alcoholic beverages shall be served only to patrons who are seated in the defined enclosed outdoor dining area.

3. Approval Process.

- i. 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.
- ii. For all new or expanded temporary outdoor dining associated with existing restaurants, the applicant shall submit a Zoning Compliance permit to ensure compliance with the regulations of Section 4.83 of this section subject to the approval of the DeWitt Charter Township Planning, Building, Fire, and Police Departments.
- iii. The site plan shall depict 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.
 - a. The site plan shall identify the area where the outdoor furniture or fixtures will be stacked when the facility is closed and whether the furniture will be moved to the inside or left outside.
 - b. The site plan shall identify the waste receptacle location and the manner in which the business will manage the waste daily.
 - c. The site plan shall be reviewed and inspected by the Building Official for compliance with current township fire and state construction codes.
 - d. A building permit may be required when deemed necessary by the Building Official.

SECTION V. OTHER ORDINANCE PROVISIONS

All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such conflict or inconsistency. Except as provided in this Section and Sections I through Section IV above, all other provisions of the DeWitt Charter Township Zoning Ordinance (as previously amended) shall remain in full force and effect.

SECTION VI. SEVERABILITY

If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision.

SECTION VII. EFFECTIVE DATE.

This amendatory Ordinance shall become effective immediately upon its passage, publication and recording by the DeWitt Charter Township Clerk as required by law.

First Reading: _____
First Publication: _____
Second Reading: _____
Second Publication: _____
Effective Date: _____

Rick Galardi, Supervisor

Adam Cramton, Clerk

I, Adam Cramton, Clerk of the Charter Township of DeWitt, hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. ____, duly adopted by the Board of Trustees of the Charter Township of DeWitt, Clinton County, Michigan, on the ____ day of _____, 2021, and that the same was posted and published as required by law on the ____ day of _____, 2021.

Adam Cramton, Clerk