

CASE NO. 16-77
DAVISON TOWNSHIP

GENESEE COUNTY, MICHIGAN

ORDINANCE NO. 16.77

An ordinance amending Davison Township Zoning Ordinance No. 16, as amended.

The Board of Davison Township of Genesee County, Michigan, ORDAINS:

That Ordinance No. 16, being Davison Township Zoning Ordinance be amended to read as follows:

Section 1

Section 1600 (aa) is hereby amended to read

(aa) No side yards are required along the interior side lot lines of the district provided the walls of structures facing such interior side lot lines contain no windows, doors, or other openings; however, except as may otherwise be provided in section 1600 (s), no principal or accessory building shall be located closer than one hundred (100) feet or the height of building, whichever is greater, to their outer perimeter property line when said property line abuts any residential district.

Section 2

Section 1600 (x) is hereby amended to read

(x) The Planning Commission may reduce certain setback distances for properties located within or which are a part of a commercial or industrial park, for properties which are located within the Township's Downtown Development Authority (DDA) District, or for commercial or industrial developments which occupy less than ten (10) acres of land, subject to the following terms and conditions:

- i. In no instance shall a reduction in the required front yard setback distance result in a setback of less than thirty-five (35) feet.
- ii. A minimum setback distance of thirty-five (35) feet shall be maintained between a commercial or industrial principal or accessory building and their outer perimeter property line when said property line abuts any residential district.
- iii. A reduction in the required front yard setback distance by the Planning Commission shall be predicated upon not less than fifty (50) percent of the required off-street parking spaces being located in the rear yard. Off-street parking shall not be permitted to occupy a portion of the required front yard setback unless a landscaped greenbelt of not less than twenty (20) feet in width is provided between the nearest point of the off-street parking area, exclusive of driveways, and the front lot line.
- iv. The extent of any setback reduction granted by the Planning Commission shall be commensurate with the compensating technique(s) intended to achieve the same buffering effect as the originally required setback distance. Such techniques may include, but are not necessarily limited to, an area of land, landscaping, walls, berms, or any combination thereof used to physically and visually separate one use of property from another and/or to mitigate negative impacts on the subject site from adjacent lands or rights-of-way. The Planning Commission, in its evaluation of a proposed setback reduction, may request the applicant to submit supplementary information as part of the site plan data required under Section 1801 including, but not necessarily limited to, a visual sight line analysis to discern the orientation of living and sleeping quarters found in multi-story homes neighboring nonresidential property and the extent of residential privacy.

Section 3

Section 1600, (d) is hereby amended to read as follows:

(d) All sides yards abutting upon a public street shall be considered as a front yard for setback purposes, except as any otherwise be required by this Ordinance, The Planning Commission may reduce the required setback distance between the building line of a principal building or structure located on property zoned either CO, LC, GC, M-1 or M-2 District and the right-of-way line of an abutting interstate highway. In no instance shall a reduction in this required setback distance result in a setback of less than twenty-five (25) feet.

Section 4

Article XVII (General Provisions) is hereby amended by the addition of Section 1739 to read as follows:

Section 1739. Outdoor Dining

Outdoor seating and dining areas shall be allowed at restaurants, bars, taverns, coffee shops, cafes, bistros, bakeries, delicatessens, specialty food stores, and other similar establishments, subject to the following requirements:

1. The outdoor dining area shall be accessory to a fully operational principal use located on the same parcel or lot within the front or side yard.
2. The outdoor seating capacity shall be less than 50 percent of the indoor seating capacity.
3. On the indoor seating capacity shall be used for calculating the number of required off-street parking spaces.
4. The occupation of a sidewalk for outdoor dining is permitted provided a minimum unobstructed pedestrian right-of-way of five (5) feet is maintained.
5. The proposed number, size, location of tables, chairs, trash receptacles, portable heaters, and similar equipment shall not extend into or overhang any pedestrian right-of-way, obstruct pedestrian or vehicular visibility, materially impede access to fire lanes, fire safety equipment, or emergency exists, or occupy areas of landscaping required under Section 1712.
6. Barriers shall be provided around the dining areas which distinguish such space from any pedestrian

right-of-way, off-street parking area, loading zone, or other outdoor use.

7. Outdoor food storage or food preparation areas are expressly prohibited.
8. Music, speakers, intercoms or similar devices shall be permitted provided they do not create a public nuisance.
9. Outdoor dining areas shall be subject to the approval of the Zoning Administrator; however, Planning Commission approval shall be required pursuant to the procedures of Article XVIII when on-site structural changes are also proposed to occur on site or when, in the judgment of the Zoning Administrator, such designed dining space and associated tables, chairs, trash receptacles, portable heaters, and similar equipment will materially impede traffic circulation or interfere with the operation of adjoining businesses.

Section 5

This Ordinance shall be published in a newspaper circulated within the Township of Davison, Genesee County, Michigan, within fifteen (15) days following the adoption thereof.

This Ordinance shall become effective on the ___st day of 2016.

DAVISON TOWNSHIP BOARD

ADOPTED:

By: Karen M. Miller
Karen Miller, Supervisor

February 8, 2016

By: Cindy K. Shields
Cindy K. Shields, Township Clerk

Prepared by:

RICHARD A. HAMILTON
Attorney at Law
702 Church Street
Flint, MI 48502
(810) 767-6860