

TOWNSHIP OF CHIKAMING
BERRIEN COUNTY, MICHIGAN

ORDINANCE NO. 91
Adopted: November 12, 1998

AN ORDINANCE TO AMEND ORDINANCE NO. 87 OF CHIKAMING TOWNSHIP ENTITLED: AN ORDINANCE TO ESTABLISH COMPREHENSIVE ZONING REGULATIONS FOR THE TOWNSHIP OF CHIKAMING, PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF THE TOWNSHIP RURAL ZONING ACT, ACT 184 OF THE PUBLIC ACTS OF 1943, AS AMENDED, BY ACT 637, OF THE PUBLIC ACTS OF 1978, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith AND TO PROVIDE PENALTIES FOR VIOLATIONS HEREOF.

THE TOWNSHIP OF CHIKAMING, BERRIEN COUNTY, MICHIGAN ORDAINS:

Section 1.

ARTICLE 2, Section 2.17 ("O"), is hereby amended by the addition thereto of the following:

Outdoor Serving Area.--An area used for serving of prepared food or beverages to patrons of a restaurant, cafe, tavern, bar or other eating or drinking establishment, that is located either totally or substantially outside of a completely enclosed building. A portion of a building used for serving food or beverages to patrons that is substantially open to the outdoors on two or more sides or not enclosed by permanent building walls on two or more sides shall be considered an outdoor serving area.

Section 2.

ARTICLE 7, Section 7.04, Special Land Uses, Paragraph 17, is hereby amended to read as follows:

7. Restaurants, delicatessens, refreshment stands and other dispensaries of food or beverages at retail, with or without outdoor serving areas.

Section 3.

ARTICLE 9, Section 9.02, Permitted Principal Uses, Paragraph 7, is hereby amended to read as follows:

7. Restaurants, delicatessens, refreshment stands and other dispensaries of food or beverages at retail, not having outdoor serving areas.

Section 4.

ARTICLE 9, Section 9.03, Special Land Uses, Paragraph 7, is hereby amended by the addition thereto of the following:

11. Outdoor serving areas at restaurants, delicatessens, refreshment stand and other dispensaries of prepared food or beverages at retail.

Section 5.

ARTICLE 19, Section 19.09, Additional Standards for Approval of Specific Land Uses, is hereby amended by the addition thereto of the following:

S. Outdoor serving areas at restaurants, delicatessens, refreshment stands and other dispensaries of prepared food or beverages at retail:

1. The outdoor serving area shall be located on the site such that potential objectionable impacts on adjacent properties are minimized. Where possible, locations that directly adjoin a residential use shall be avoided.
2. If the square footage of the outdoor serving area is greater than one quarter ($\frac{1}{4}$) the square footage of the indoor serving area of the establishment, additional parking shall be required for the outdoor serving area, at the rate of one (1) parking space per one hundred (100) square feet of floor area, applied to the amount by which the size of the outdoor serving area exceeds one quarter ($\frac{1}{4}$) of the indoor serving area.
3. The outdoor serving area shall be screened on all sides that face a residential zoning district or residential use by a solid fence or wall, having a minimum height of six (6) feet.
4. As a condition of approval, the Township Board may establish limits on the allowable hours of use of an outdoor serving area, and may establish such other conditions relating to the operation of the outdoor serving area and the activities conducted therein as are deemed necessary to protect surrounding properties from objectionable noise and other impacts that may arise from the outdoor activity.

Section 6.

Enactment. The foregoing change and amendment to Ordinance No. 87, the Chikaming Township Zoning Ordinance, was enacted on the 12th day of November, 1998, by the Township Board of Chikaming Township, Berrien County, Michigan, and ordered to take effect on the 1st day of December, 1998, the same being more than seven (7) days after its publication.

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming

Attest:

Harold J. Gilmore
Harold J. Gilmore, Supervisor
Township of Chikaming

CERTIFICATION

I do hereby certify that the foregoing constitutes a true and complete copy of Ordinance No. 91, duly adopted by the Township Board of the Township of Chikaming, Berrien County, Michigan, at a regular meeting held on the 12th day of November, 1998. I further certify that Dudeck moved the adoption of said ordinance and Simmons supported said motion. The names and the members of the Township Board and their vote on the foregoing ordinance were as follows:

MEMBERS	AYES	NAYS	ABSTAIN	ABSENT
Zimmerman	<u> x </u>	_____	_____	_____
Gibson	<u> x </u>	_____	_____	_____
Simmons	<u> x </u>	_____	_____	_____
Dudeck	<u> x </u>	_____	_____	_____
Gilmore	<u> x </u>	_____	_____	_____

I further certify that the aforesaid ordinance was recorded in the Ordinance Book for the Township of Chikaming on the 12th day of November, 1998, and such recording has been authenticated by the signatures of the Supervisor and Township Clerk. I further certify that the foregoing ordinance was published in full in the Southcounty Gazette & Shopper, a newspaper circulated in the Township of Chikaming, Berrien County, Michigan, on the 23rd day of November, 1998.

Dated: November 12, 1998

Jeanne S. Dudeck
Jeanne S. Dudeck, Clerk
Township of Chikaming