

Ordinance No #2022-06

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Articles 9, 14, 16, 20, and 21 to permit Outdoor Sales Lot by special land use in the C-1 and C-2 districts.

THE TOWNSHIP OF BIRCH RUN, SAGINAW COUNTY, MICHIGAN, ORDAINS:

ARTICLE I. The following articles of the Birch Run Township Zoning Ordinance are being Amended.

Article 9: Zoning Districts, Regulations, and Map is hereby amended by adding row 30 to Table 9-3 as shown:

**TABLE 9-3
PERMITTED PRINCIPAL USES IN
COMMERCIAL AND INDUSTRIAL DISTRICTS**

	Principal Uses	ZONING DISTRICTS & PRINCIPAL PERMITTED USES "BR" = Use Permitted by Right "S" = Special Land Use "--" = Prohibited Use		
		C-1	C-2	I-1
Uses Primarily of a Commercial Character				
30	Outdoor Sales Lot	S	S	

Article 14 Standards and Regulations for Special Land Uses is hereby amended by adding Section 14.24 as shown:

Section 14.24 Outdoor Sales Lots

Outdoor sales lots shall be permitted in the C-1 and C-2 zoning districts, subject to special land use approval. Outdoor Sales lots are customary for the display and sales of landscape materials for resale or wholesale, outdoor storage sheds, and other items customarily requiring outdoor display and sales, according to an approved site plan. Outdoor sales lots do not include areas used for the sale of new or used cars, farm machinery, and other vehicles and equipment, including items intended for tow. The following standards shall apply to outdoor sales lots:

1. Only sales by the resident business occupying the principal building on-site are permitted.
2. The outdoor sales/display area may not occupy a street right-of-way, required parking, loading, driveway or landscape area, and shall not result in hazards for vehicles or pedestrians, and shall be shown on an approved site plan.
3. All outdoor lighting shall be shielded from projecting onto or into an adjoining residential district and shall not interfere with driver visibility on a public right-of-way.
4. On all sides of the lot adjacent to a residential district, there shall be provided a buffer wall or fence, consistent with Section 17.04.

5. There shall be no strings of flags, pennants or bare light bulbs permitted.
6. No merchandise for sale shall be displayed within any required setback area.
7. There shall be no broadcast of continuous music or announcements over any loudspeaker or public address system.
8. Resident businesses may conduct outdoor sales of products not customarily sold by the resident business without prior site plan approval for the two weeks prior to and including the following holidays or events: Independence Day, Halloween, and Christmas.

Article 16 Off Street Parking and Loading is hereby amended by adding Outdoor Sales Lots as item 26 to the list of uses in Section 16.04.C.

26. Outdoor Sales Lots: At least five spaces for customers.

Article 20 General Provisions is hereby amended by adding outdoor storage sheds as the list of uses for which section 20.16.A does not apply.

- A. Commercial Display and Sales: Outdoor display or sales of merchandise shall be permitted only where expressly authorized pursuant to an approved site plan, and such display or sales area shall not extend into a District's required setback for the principal building. The maximum permitted outdoor display or sales area shall be a total of ten percent (10%) of the use's indoor retail sales floor area. This subsection (A) shall not apply to the display and sales of motor vehicles, items intended for tow, retail and wholesale landscape materials, outdoor storage sheds, or other items customarily requiring outdoor display and sales.

Article 21 Definitions is hereby amended by adding a definition for Outdoor Sales Lot to the definitions contained in section 21.02.

Outdoor Sales Lot An outdoor arrangement of objects, items, products, or other materials, typically not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a business, product, or service. An outdoor sales lot must include a principal building on the same lot.

ARTICLE II. This ordinance and its various articles, paragraphs and clauses thereof are hereby declared to be severable. If any article, paragraph or clause is adjudged unconstitutional or invalid, the remainder of this amendatory ordinance shall not be affected thereby.

ARTICLE III. All ordinances and provisions of ordinances of the Birch Run Township in conflict herewith are hereby repealed.

ARTICLE IV. This amendatory ordinance shall be published as required by law and shall take effect 7 days after publication.