

BIRCH RUN TOWNSHIP
SAGINAW COUNTY, MICHIGAN
ORDINANCE NO. 2016-04

ADOPTED: December 13, 2016
PUBLISHED: December 20, 2016
EFFECTIVE: December 28, 2016

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Articles 9, 14 and 21 to permit outdoor entertainment and events as a special land use in the C-1 zoning district.

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

ARTICLE I. Article 21 of the Birch Run Township Zoning Ordinance is hereby amended by adding the following:

Add to Article 21 Definitions; Section 21.02

Outdoor Entertainment and Events: The use of property for outdoor activities of a commercial or recreational nature

Examples include: Race tracks, go cart tracks, sporting events, flea markets, auctions, car shows, live entertainment, outdoor movies

ARTICLE II. Article 14 of the Birch Run Township Zoning Ordinance is hereby amended by adding the following:

Add to Article 14 Standards and Regulations for Specific Land Uses

Section 14.21 Outdoor Entertainment and Events

A. **Additional Materials to be Submitted for Special Use Review:** In addition to the information required by this ordinance for submission of site plans and special uses, each application shall be accompanied by plans, drawings, and/or written information addressing at a minimum:

1. A description of the range of activities proposed, number of events a year, hours of operation and days of the week the activities are proposed to be undertaken
2. Emergency services necessary based on the anticipated number of participants
3. Water supply and facilities;
4. Toilet facilities;
5. Camping and trailer facilities;
6. Noise control and abatement;
7. Facilities for cleanup and waste disposal;
8. Insurance and bonding arrangements.
9. Reviews of the proposed plans by the Township Fire Chief and Police Department

B. Special Performance Standards:

1. The Planning Commission may impose limits on the operation necessary to ensure compatibility with the surrounding land uses and to mitigate off-site impacts. Conditions may include the limit on the frequency of a particular activity and the operations hours of operation.
2. The Planning Commission’s approval shall include limits on the range and frequency of activities. Any increase in the range or frequency of activities or any other condition of approval will require amendment to the Special Use approval.
3. It is the intention of this provision to require approval once, except for changes to the original approval noted in paragraph 2 above. It is not intended to require re-approval every time an activity occurs. However, the Special Use approval may be withdrawn if the applicant fails to comply with the requirements of their approval or of this ordinance.
4. In the case of proposed uses whose potential impact is unclear, the Planning Commission may as an option to amending a Special Use approval to add a use, approve the use as a one-time temporary use, using the conditions and standards in Section 20.18 Temporary Non-Residential Uses and Structures.
5. Permanent or temporary toilet facilities are required at a rate of 1 per 150 persons based on the maximum attendance permitted at any point in time during the event.

ARTICLE III. Article 9 of the Birch Run Township Zoning Ordinance is hereby amended by adding the following:

Add to Article 9 Zoning District Regulations and Map; Table 9-3 Permitted Principal Uses in Commercial and Industrial Uses

	PRINCIPAL USES	ZONING DISTRICTS & PERMITTED PRINCIPAL USES		
		C-1	C-2	C-3
		“BR” = Use Permitted by Right “S” = Special Land Use “-” = Prohibited Use		
	Uses of a Primarily Commercial Character			
28	Outdoor Entertainment and Events	S		

ARTICLE IV. 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 V. All ordinances and provisions of ordinances of BIRCH RUN TOWNSHIP in conflict herewith are hereby repealed.

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

STATE OF MICHIGAN
COUNTY OF SAGINAW

I, the undersigned, the fully qualified and acting Clerk of the Township of Birch Run, Saginaw County, Michigan, do hereby certify that the foregoing is a true and complete Copy of an ordinance adopted at a regular meeting of the Township Board of the Township of Birch Run, Michigan, held on the 13th day of December, 2016, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

I further certify that on the 20th day of December, 2016, I caused a notice of such adoption to be published in the Birch Run/Bridgeport Herald, a newspaper circulated in the Township of Birch Run, and that said Ordinance and the record of publication was duly recorded in the Book of Ordinances of the Township of Birch Run and is available for public use and inspection at the offices of the Birch Run Township Clerk.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 14th day of December, 2016.

Corey Trinklein, Clerk
Birch Run Township