

BIRCH RUN TOWNSHIP  
SAGINAW COUNTY, MICHIGAN  
ORDINANCE NO. 2015-01

ADOPTED: August 11, 2015  
PUBLISHED: August 19, 2015  
EFFECTIVE: August 27, 2015

An ordinance to amend the 2004 Birch Run Township Zoning Ordinance, Ordinance No. 2004-02 and herein referred to as the Birch Run Township Zoning Ordinance, to add, delete and revise sections of the ordinance pertaining to definitions and regulations for outdoor restaurants.

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

**SECTION I**  
**AMENDMENT of ARTICLE 14 to REVISE SECTION 14.19**

Article 14 of the Birch Run Township Zoning Ordinance is hereby amended by the revisions to Section 14.19, to read as follows:

**“Section 14.19 Outdoor Restaurants**

- A. “Outdoor Area” Defined:** “Outdoor area” shall be defined as the area of the outdoor portion of the restaurant designed for or otherwise used for outdoor eating or drinking, irrespective of whether the serving of such food or drink initially occurs inside of the restaurant.
- B. Additional Application Requirements:** In addition to compliance with the site plan submittal information of Sec. 4.04, the following additional information shall be made part of the site plan:
1. The number and location of all proposed temporary and permanent structures in the outdoor area including tables, chairs, planters, outdoor storage facilities, and other equipment as well as lighting locations, if any.
  2. The proposed capacity of the outdoor area and the capacity of existing indoor dining/drinking areas.
- C. The following site and developmental requirements shall apply:**
1. The outdoor area shall be setback from all property lines as required by the site plan approving body; however in no case shall the setback be closer than 100 feet from an existing utilized residential dwelling.
  2. The boundaries of the outdoor eating area shall be clearly defined by planters, surface material, or other visual means. Fencing, if installed shall be as required by the Liquor Control Commission or other approving agencies.
  3. Signage shall comply with the Birch Run Township Outdoor Advertising Ordinance as amended.
  4. Electrical illumination of an outdoor eating area need not comply with Section 18.04 but such lighting shall be directed downward except in the case where such lighting does not exceed six (6) feet in height above the outdoor area surface and the site plan approving body determines that such lighting will not undermine the use and enjoyment of nearby property, and such lighting shall not increase glare or light levels by more than one-half (1/2) candle power of light across a lot line in or adjacent to an Agricultural or Residential District.
  5. Off street parking as applied to the outdoor area shall only need comply with fifty percent (50%) of the parking regulations found in Article 16.
- D. Special Performance Standards:**

1. No furniture, apparatus, decoration or appurtenance used in connection with the outdoor area shall be located in such a way as to impede the safe and speedy ingress and egress to or from any building.
2. The outdoor area may operate during the regular business hours of the restaurant; however all outdoor music or amplification from any source shall cease at midnight.
3. The outdoor area shall be kept free of litter. Trash receptacles shall be emptied daily. At no time shall trash or debris be permitted to be blown or swept beyond the outdoor area.
4. All outdoor tables, chairs, umbrellas and similar furnishings shall be adequately weighted or otherwise secured to resist movement by wind, and shall be maintained in good repair and in a clean and safe condition.
5. Outdoor entertainment shall be permitted and comply with the Birch Run Township Public Nuisance Ordinance as amended.
6. The size of any outdoor area shall not exceed the total square footage of the business building square footage by more than seventy-five (75%) percent, up to a maximum of two-thousand (2000) square feet.

**SECTION II**  
**SEVERABILITY**

Should any section, clause or provision of this Ordinance be declared unconstitutional, illegal or of no force and effect by a court of competent jurisdiction, then and in that event such portion thereof shall not be deemed to affect the validity of any other part or portion of this Ordinance.

**SECTION III**  
**EFFECTIVE DATE and REPEAL of CONFLICTING ORDINANCES**

This Ordinance shall take effect eight (8) days following publication, following adoption. All Ordinances or parts of Ordinances in conflict herewith are hereby repealed.

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 11th day of August, 2015, 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 19th day of August, 2015, 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 12th day of August, 2015.

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Corey Trinklein, Clerk  
Birch Run Township