

**TOWNSHIP OF BIRCH RUN
SAGINAW COUNTY, MICHIGAN**

ORDINANCE NO. 2014-04

ADOPTED: August 12, 2014

PUBLISHED: August 20, 2014

EFFECTIVE: September 19, 2014

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 Table 9-4 of Article 9 pertaining to maximum lot coverage, and Section 20.20 pertaining to accessory buildings and structures.

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

**SECTION I
AMENDMENT of FOOTNOTE 11 of TABLE 9-4 of ARTICLE 9**

The Birch Run Township Zoning Ordinance is hereby amended by the deletion of Footnote 11 of Table 9-4 of Article 9 and the insertion of the following in its place:

- “11. The following additional maximum lot coverage requirements shall apply:
- a. A minimum of sixty percent (60%) of a lot used principally for residential purposes shall be maintained as open space. For the purposes of this Footnote #11, “open space” shall be defined as areas dedicated to the growth and maintenance of grasses, shrubs, trees and/or other plant material. For clarification purposes, features that shall not be considered as open space shall include, but not be limited to, wood or other decking; stone, brick, asphalt, concrete, gravel, landscape pavers, and hard surface patios and outdoor areas irrespective of the width of the gap between bricks and stones, and similar component surfaces of such areas. For clarification purposes, features that shall be considered as open space include, but are not limited to, lawns, woodlands, gardens, and planting beds including mulched beds.
 - b. In the case of an authorized nonresidential use in the A-1 or R-1 Districts, according to table 9-2 and 9-3 or elsewhere in this Ordinance, such as in the case of a museum or nursing home, the allowable maximum lot coverage shall be 25%.
 - c. In the case of an A-1 and R-1 lot that is nonconforming due to noncompliance with the minimum lot area standard for the district in which it is located, the allowable maximum lot coverage on such lot shall be the total of the maximum lot coverage standard specified in table 9-4 and 2,000 sq. ft. Furthermore, accessory buildings and structures shall also comply with all of the site development requirements in Table 9-4 and other regulations found in this Ordinance.”

SECTION II
AMENDMENT of SECTION 20.20(D)

The Birch Run Township Zoning Ordinance is hereby amended by the deletion of Section 20.20(D) and the insertion of the following in its place:

“D. Maximum Area of Lot:

1. **Definitions:** For the purposes of this subsection (D) only, the following terms shall have the following meanings:
 - a. **Building:** Any structure, either temporary or permanent, having a roof and enclosed along twenty-five percent (25%) or more of its side by a wall or similar full enclosure.
 - b. **Structure:** Any structure, either temporary or permanent, having a roof but which has no walls, or is enclosed by walling or similar full enclosure for less than twenty-five percent (25%) of its perimeter, or is enclosed by lattice or similar open construction, such as in the case of a roofed carport, roofed gazebo, and roofed decks and patios.
2. **Maximum Area:** Accessory buildings and structures as defined above in subsection (1), on a lot used principally for residential purposes, shall not occupy a greater area of such lot than as delineated in the Maximum Area of Lot Table below. For the purpose of calculating the area occupied by an accessory building, the calculation shall not include the first 1200 sq. ft. of any area of a garage that shares a wall with the dwelling for a minimum distance of ten (10) feet.

Maximum Area of Lot Table¹

Lot Area	Accessory Buildings	Accessory Structures
Less than 1.99 acres	The lesser of 2.8% of the lot or 2,000 square feet.	600 square feet.
2.00 – 3.99 acres	The lesser of 2.9% of the lot or 4,500 square feet.	800 square feet.
4.00 acres or greater	The lesser of 2.9% of the lot or 6,000 square feet.	1,000 square feet.

¹ Accessory buildings and structures are also subject to the maximum lot coverage regulations of Table 9-4 (Article 9). See Article 21 for definition of lot coverage.”

SECTION III
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 IV
PRIOR AMENDMENTS REAFFIRMED

The remaining provisions of the Birch Run Township Zoning Ordinance, and all amendments thereto, are hereby ratified and reaffirmed.

SECTION V
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.

This Ordinance is declared to have been adopted and amended by the Township Board of the Township of Birch Run, County of Saginaw, Michigan, at a regular meeting held on the 12th day of August, 2014.

Adopted:

Aye:

Nay:

Ray Letterman - Supervisor

Corey Trinklein - Clerk

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 12th day of August, 2014, the original of said meeting was given to and in compliance with Act 267, Public Acts of Michigan, 1976.

IN WITNESS WHEREOF, I have hereunto fixed my official signature on this 13th day of August, 2014.

Corey Trinklein, Clerk
Birch Run Township