

ORDINANCE NO. 17- 05
TOWNSHIP OF KOCHVILLE
SAGINAW COUNTY MICHIGAN

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF
KOCHVILLE TOWNSHIP, SAGINAW COUNTY, MICHIGAN
(THE "ZONING ORDINANCE"), CONCERNING REVISION OF
SECTION 155.021 – TEMPORARY USE PERMITS and
SECTION 155.086 – PARKING AREA AND CIRCULATION
DESIGN REQUIREMENTS

The Board of Trustees of Kochville Township hereby ordain as follows:

§155.021 Temporary use permits.

A temporary use permit is required for limited term activities or events, which occur on commercial property within the township that may potentially create off-site impacts to surrounding properties in which it will occur. This includes outdoor sales, tent sales, and sidewalk sales, fireworks sales, seasonal sales for plants, produce, firewood or Christmas trees. Special events for gatherings of people, where under a tent or not or confined within any type of physical barrier, food or beverage is served, is also is considered a *temporary use* requiring a temporary use permit. Township Board approval is required where a special event has entertainment in addition to food or beverage and applications for such events shall be submitted 30 days in advance of the planned event. A temporary use permit is not required for religious institutions, residential uses, agricultural uses, or special events occurring at township parks, such as sporting events or other approved events sanctioned by the township.

(A) *Zoning districts where permitted.* Temporary use permits for outdoor sales, tent sales, sidewalk sales or seasonal sales of plants, produce, firewood or Christmas trees, shall be permitted only in the B-1, B-2, and B-3 zoning districts.

(B) *Application; fee; submission of site plan.*

(1) Every person, firm or corporation desiring to obtain a temporary permit as required by this chapter shall file a written application with the Zoning Administrator on a form approved by the township, together with an application fee as hereafter provided by resolution of the Township Board.

(2) The application for a temporary use permit shall be accompanied by a site plan, drawn to scale, showing the following:

(a) The shape, location and dimensions of the lot, including the location of buildings on the lot, off-street parking layout, the location of any designated fire lanes and areas for the outdoor sales. An aerial photo may also be used in lieu of a drawn site plan where all details above are included.

(b) Materials to be utilized including structures to be erected, including tents, tables, stands, display racks, stages, barriers, traffic control measures; and

(c) Loss of off-street parking, anticipated number of people for special events.

(C) *Time Limitations.*

(1) A temporary permit for a tent or sidewalk sale shall, by its terms, be effective for no longer than fourteen (14) days. No more than three (3) temporary permits for tent sales or sidewalk sales shall be issued for a given location within a single calendar year. Temporary permits for tent sales or sidewalk sales shall not be issued for any given location for consecutive time periods.

(2) A temporary permit for the sale of Christmas trees shall by its terms be effective for no longer than 30 days. No more than one temporary permit for the sale of Christmas trees shall be issued for any given location within a single calendar year.

(3) A temporary permit for outdoor sales, including, but not limited to, the sale of plants, produce or for the sale of firewood, shall, by its terms, be effective for no longer than one six-month period. No more than two temporary permits for sale of plants, produce or for the sale of firewood shall be issued for any given location within a 12-month period. A temporary permit is effective beginning April 1 and ends on September 30. A temporary permit is also effective beginning October 1 and ends on March 31. A temporary permit can be renewed for another consecutive six-month period. Permits sought between April 1 and September 30 shall expire on September 30 of that same year and permits sought after October 1, but before March 31 shall expire on March 31 of that same year.

(D) *Regulations.*

(1) A temporary permit shall only be granted if the Zoning Administrator or his or her designee determines that the proposed use, including the erection of any temporary building or structure, will:

- (a) Provide adequate light and ventilation in the areas of outdoor sales;
- (b) Provide adequate automobile and pedestrian traffic flow without congestion;
- (c) Provide adequate off-street parking which will not displace required off-street parking for the indoor sales;
- (d) Provide adequate lot access for fire protection purposes;
- (e) Not adversely affect the stability and integrity of the zoning plan prescribed by this chapter or otherwise interfere with the protection of public health, safety and general welfare;
- (f) Not be incompatible with or otherwise adversely affect the physical character of the community and in particular the surrounding area within a distance of 1,000 feet; and
- (g) Provides space for sidewalk or tent sales adjacent to the primary structure on the premises.

(2) When the proposed temporary use is to be conducted on an otherwise vacant or unused lot, the use shall comply with all applicable zoning regulations for the district in which the temporary special use is to be located, including all requirements pertaining to lot size, height, setback, open space ratio, maximum percentage of covered lot area and off-street parking.

(3) No temporary use shall be permitted if it reduces the parking by greater than 25%.

(4) All temporary buildings and structures shall be constructed, used, occupied and

maintained so as to be in compliance with the provisions of the State Construction Code, the adopted International Fire Code, and all applicable ordinances of the township.

AND, *further revising*

§155.086 (C) Parking Area and Circulation Design Requirements.

(C) Marking Required.

(1) The property owner shall delineate car stalls, directional arrows and crosswalks within parking areas using paint or other methods approved by the Zoning Administrator.

(2) Any time restriping is done in a parking lot; the spaces shall be delineated by double striping. Where a parking lot has less than 25 spaces, a waiver from the required double striping may be given by the Zoning Administrator where the applicant can demonstrate the need for the number of existing spaces and shared parking is not available; or additional parking is necessary to meet the parking demand for a specified use.

In addition, when a site is redeveloped, repaired, or improved, the lot shall be restriped to conform to the parking stall and isle requirements described below, except that repairs in access isles and in parking lots where less than 25% of the parking stalls are affected would not require double striping.

Effect on other Ordinances

All other sections, phrases, and text within Chapter 155 of the Kochville Township Zoning Ordinance remain in full force and effect and are only amended to the extent of the aforementioned text revisions.

Publication and Effective Date:


This ordinance shall take effect 30 days after publication and a copy of the ordinance is available for public use and inspection at the office of the Township Clerk.

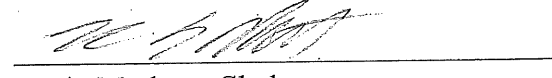
This ordinance known as Ordinance 17- 05, being the amendments to Chapter 155, of the Kochville Township Zoning Ordinance, is hereby declared to have been adopted by the Kochville Township Board, County of Saginaw, State of Michigan, at a regular meeting held on the 19th Day of June, 2017, and ordered to be given publication in a manner prescribed by law.

Motion by Trustee Thon and seconded by Clerk Machata to adopt Ordinance No. 17-15

YEAS: Supervisor Loiacano, Clerk Machata, Treasurer Brewster, Trustee Ferrell & Trustee Thon

NAYS: None ABSTAINS: None


James Loiacano, Supervisor
Kochville Township


Kevin Machata, Clerk
Kochville Township

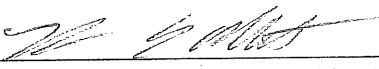
Ordinance 17-05

Certification

State of Michigan, County of Saginaw:

I the undersigned Township Clerk for the Township of Kochville, Saginaw County, Michigan, certify that the above Ordinance No. 17- 05, adopted by the Township Board of Trustees of the Township on the Nineteenth day of June, 2017, was recorded in full in the minutes of the meeting of the Township Board of Trustees on said date. It was signed by the Supervisor and Clerk of the Township.

Dated: June 19, 2017



Kevin Machata, Kochville Township Clerk

Date of Publication:

Newspaper: The Township Times