

CHARTER TOWNSHIP OF COMSTOCK

ORDINANCE 570

ADOPTED: _____

EFFECTIVE: EIGHT DAYS AFTER PUBLICATION AFTER ADOPTION

An Ordinance to amend the Comstock Charter Township Zoning Ordinance regulations pertaining to temporary outdoor sales and services in the Township; to provide for severability; to repeal all ordinances or parts of ordinances in conflict therewith; and to provide an effective date.

**CHARTER TOWNSHIP OF COMSTOCK
KALAMAZOO COUNTY, MICHIGAN**

ORDAINS:

SECTION I

ZONING ORDINANCE AMENDMENT

ARTICLE 4 – USE STANDARDS

SECTION 4.49 – TEMPORARY OUTDOOR SALES AND SERVICE

SECTION I. AMENDMENT TO ARTICLE 4 SECTION 4.49. Article 4 Section 4.49, titled “Temporary outdoor sales and service” is hereby amended to read as follows:

- A. The temporary outdoor sales and service must be a permitted use in the respective zoning district where located. If the applicant is not the owner of the lot, the applicant shall provide a signed affidavit from the owner giving permission to the applicant to proceed with the application.
- B. Temporary outdoor sales and service shall not be located in the public right-of-way or on public property unless a permit has been obtained from the appropriate public authority. Such uses shall comply with requirements to maintain clear visibility for drivers in Section 5.9 Fences, subsection C.
- C. Permit applications for temporary outdoor sales and service shall be reviewed by Township fire, building and zoning officials. A permit may be issued by the Zoning Administrator if the proposed use is in compliance with all of the requirements of this Ordinance. The permit must be maintained on-site and visible at all times.
- D. A temporary use permit shall be effective for thirty (30) consecutive days from the date it is issued. The permit may be renewed for three additional thirty (30) consecutive-day period within a calendar year provided the use has been conducted in accordance with the requirements of this Ordinance. No property shall have temporary outdoor sales and service operating on it for more than sixty (120) days in any calendar year.
- E. A fee for review of an application for a temporary use permit or renewal thereof shall be established by resolution of the Township Board. The fee shall be submitted with the application in order to initiate review.
- F. The property on which the temporary outdoor sales and service is permitted shall be kept in a clean and sanitary condition at all times. All litter and trash shall be removed at the end of each day.

- G. The layout of the site on which a temporary outside sales and service use is located shall permit vehicles to drive into an off-street parking area, so as to not interrupt the flow of traffic on a public street.
- H. Fire Department approval and a building permit shall be required for outdoor sales and services uses proposing to use a tent or other temporary structure exceeding 200 square feet in area.
- I. The area occupied by a temporary outdoor sales and service use shall not exceed 7,500 square feet. No more than one (1) such use shall operate on a lot at a time.
- J. The area occupied by temporary outdoor sales and service activity, plus any required area for emergency vehicles, shall not occupy the required off-street parking for the permanent principal use on the lot. The applicant shall demonstrate that there will remain adequate parking and vehicle maneuvering space for the existing and proposed uses.
- K. Temporary outdoor sales and service shall cause no negative consequences in terms of drainage, access, property condition, or neighborhood appearance.
- L. Temporary outdoor sales and service uses located adjacent to residential uses shall operate within the hours of 7:00 am to 10:00 pm.
- M. A temporary sign of 36 sq feet shall be included with the permit and must further comply with all other sign requirements contained within the Zoning Ordinance.

SECTION II
SEVERABILITY

The provisions of this ordinance are hereby declared to be severable. If any clause, sentence, word, section or provision is hereafter declared void or unenforceable for any reason by a court of competent jurisdiction, it shall not affect the remainder of such ordinance which shall continue in full force and effect.

SECTION III
REPEAL

All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

SECTION IV
EFFECTIVE DATE/REPEAL

This Ordinance shall take effect eight days after publication. All ordinances or parts of ordinances in conflict with this Ordinance are hereby repealed.

Nicole Beauchamp, Clerk
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