

Birch Run Township Ordinance No. 2023-03

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Article 9, Article 13, Article 19, and Article 20 to simplify and improve the site development requirements addressed in each article, respectively.

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

ARTICLE I. Article 9 of the Birch Run Township Zoning Ordinance is hereby amended by making the following changes as shown below. New text is indicated in **red**, with text to be removed shown in **strikethrough**.

Text Amendment to Zoning Ordinance

Article 9 Zoning Districts, Regulations, and Map

Table 9-4 Site Development Requirements

Zoning District	Minimum Lot Area	Minimum Lot Width and Frontage ²	Maximum Building Height	Minimum Floor Area Per Dwelling (sq. ft.)	Maximum Lot Coverage	Minimum Yard Setback		
						Front ³	Side	Rear
A-1	1 acre ¹⁰	200 ft. ⁵	35 ft. ⁶	1,200 ⁷	16% ¹¹	50 ft.	15 ft. each ⁴	40 ft.
R-1	1 acre	150 ft. ⁵	35 ft.	1,200 ⁷	16% ¹¹	30 ft.	10 ft. each ⁴	30 ft.
R-2	SFD: 1 acre w/o public sewer, otherwise 12,500 sq. ft.; TFD: 1 acre w/o public sewer, otherwise 15,000 sq. ft.	150 ft. w/o public sewer, otherwise: SFD: 70 ft. TFD: 75 ft.	35 ft.	SFD: 1,200⁷ TFD: 900⁷	25% ¹¹	30 ft.	10 ft. each ⁴	30 ft.
R-3	SFD: 1 acre w/o public sewer, otherwise 8,000 sq. ft.; TFD: 1 acre w/o public sewer, otherwise 10,000 sq.	150 ft. w/o public sewer, otherwise: SFD: 55 ft. TFD: 65 ft.	35 ft.	SFD: 1,200⁷ TFD: 900⁷	35% ¹¹	30 ft.	10 ft. each ⁴	30 ft.

	ft.							
R-MF	See Section 9.07(B)							
R-MHC	See Section 9.07(C)							
C-1	1.50 acres <u>20,000</u> <u>Sq. ft</u>	200 ft. ⁵⁷	40 ft.	NA	50%	40 ft.	10 ft. ⁸⁹	20 ft. ⁸⁹
C-2	1.50 acres <u>20,000</u> <u>Sq. ft</u>	200 ft. ⁵⁷	40 ft.	NA	50%	50 ft.	10 ft. ⁸⁹	20 ft. ⁸⁹
I-1	1.50 acres <u>20,000</u> <u>Sq. ft</u>	200 ft. ^{5,78}	35 ft.	NA	50%	40 ft.	20 ft. ⁸⁹	20 ft. ⁸⁹

1. All uses shall comply with the site development requirements in Table 9-4, unless otherwise specified by Article 5 – Standards for Specific Special Land Uses or Article 20 – General Provisions, or otherwise authorized pursuant to Article 12 – Open Space Communities Overlay District or Article 12 – Planned Unit Development District. In addition, all uses shall comply with all other applicable site development provisions of this Ordinance, including, but not limited to, the following Articles: Article 16 - Off-Street Parking and Loading; Article 17 - Landscaping and Screening; Article 18 - Environmental Protection, Article 19 - Access and Private Roads, and Article 20 - General Provisions.
2. The depth of a lot shall not exceed 4 times its width, except in the A-1 District, in which case the depth of a lot shall not exceed 2 times its width.
3. Front yard setback shall be measured from the road right-of-way.
4. On a corner lot, a minimum 25' side yard setback shall be maintained along the side yard abutting the road.
5. ~~The minimum lot width and frontage shall be increased to three hundred (300) feet for any lot that gains direct access to M-54, M-83 or Dixie Highway.~~
- 6.5. The maximum height of farm structures shall be eighty-five (85) feet. See Section 20.10 for additional height exceptions.
- 7.6..The minimum floor area of dwelling units shall comply with the following:
 - a. Single Family Dwellings: Each dwelling unit shall have a minimum of one thousand two hundred (1,200) square feet of heated living area. In the case of a dwelling unit composed of two (2) or more stories, the dwelling unit shall have a minimum of seven hundred fifty (750) square feet of heated living area on the first story.
 - b. Two Family Dwellings: Each dwelling unit shall have a minimum of nine hundred (900) square feet of heated living area. In the case of a dwelling unit composed of two (2) or more stories, the dwelling unit shall have a minimum of six hundred (600) square feet of heated living area on the first story.
- 8.7. ~~The minimum lot width/frontage requirement may be reduced by 50% where a lot is located within an industrial park and gains direct access from a road serving the interior of such park~~ has shared access or the driveway is located on a roadway with a posted speed limit of 30 miles per hour or less.
- 9.8. Minimum setback to be increased to 100 feet where the yard abuts a Conservation or Residential District.
- 10.9. See Section 9.07(A) regarding the maximum number of development sites that may be created from a parcel in the A-1 District.
- 11.10. 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, R-1, R2 or R-3 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, R-1, R-2 or R-3 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.

ARTICLE II. Article 13 of the Birch Run Township Zoning Ordinance is hereby amended by making the following changes as shown below. New text is indicated in **red**, with text to be removed shown in ~~strikethrough~~.

Article 13

Nonconforming Lots, Uses, and Structures

Section 13.02 Nonconforming Lots

~~A. In any district in which single family dwellings are permitted, notwithstanding limitations imposed by other provisions of this Ordinance, a single family dwelling and customary accessory buildings may be erected on any single lot of record. This provision shall apply even though such~~ A lot legally established prior to the adoption of this fails ordinance that fails to meet the requirements for area, width, and/or frontage, that are generally applicable in the Zoning District in which the lot is located, may be developed; provided that yard dimensions, setbacks and other requirements not involving area, width and/or frontage ~~shall conform to the regulations for the~~ Zoning District in which ~~such~~ the lot is located. The proposed use and all other standards must conform to zoning ordinance requirements unless a variance is obtained through ~~approval of the Zoning Board of Appeals.~~

ARTICLE III. Article 19 of the Birch Run Township Zoning Ordinance is hereby amended by making the following changes as shown below. New text is indicated in **red**, with text to be removed shown in ~~strikethrough~~.

Article 19 Access Provisions

Section 19.03 Driveways

A. Driveways: All plans for structures to be erected, altered, moved or reconstructed, and use of premises within the Township shall contain a plan for the proposed driveway access to the premises which shall be part of the plot plan or site plan pursuant to Article 4. No such plan shall be approved unless such driveway access is onto an approved public or private road (Section 19.05), or shared driveway (Section 19.06). Driveways and curb cuts shall, at a minimum, meet the following standards:

1. Driveways shall be within ten (10) degrees of perpendicular to the road.
2. No driveway shall serve more than one (1) single family dwelling or more than one (1) dwelling unit in a two family dwelling unless specifically approved otherwise.
3. Residential driveways shall be a minimum of ten (10) feet in clear unobstructed width, be clear and unobstructed to a minimum height of fifteen (15) feet, and have a surface designed and maintained to permit emergency access.
4. Non-residential driveway ingress and egress points shall not be closer than one-hundred (100) feet to the intersection of any two (2) roads ~~or closer than one hundred (100) feet to an adjacent~~ **and shall conform to the driveway spacing distances required in Table 19-1.**
- 4.5. ~~except that~~ **A lesser separation distance than those required in Table 19-1 may be permitted by the Planning Commission upon a finding by the site plan approving body that a lesser separation distances than required in Table 19-1 shall does not undermine present any risks to the public health, safety and welfare based on projected turning patterns and vehicle trips.**

Table 19-1 Driveway Spacing

<u>Posted Speed Limit</u>	<u>Center-to-Center of Access</u>
<u>25 mph</u>	<u>130 ft.</u>
<u>30 mph</u>	<u>185 ft.</u>
<u>35 mph</u>	<u>245 ft.</u>
<u>40 mph</u>	<u>300 ft.</u>
<u>45 mph</u>	<u>350 ft.</u>
<u>50 mph and above</u>	<u>455 ft.</u>

ARTICLE IV. Article 20 of the Birch Run Township Zoning Ordinance is hereby amended by making the following changes as shown below. New text is indicated in red, with text to be removed shown in ~~strikethrough~~.

Article 20 Access Provisions

Section 20.20 Accessory Uses, Buildings, and Structures

E. Scope: Accessory buildings, structures and uses, except as otherwise permitted in this Ordinance, shall be subject to the regulations of this Section. This Section shall not apply to accessory uses, buildings and structures part of a farm operation.

F. Placement/Setbacks:

1. No accessory building or structure shall be located in a front yard unless it is a minimum of three hundred (300) feet from the front lot line, and no detached garage shall project more than five (5) feet beyond the dwelling's facade as viewed from the front lot line.
2. An accessory building or structure, including carports which are attached to the principal building, shall be set back a minimum distance of five (5) feet from a rear lot line except that, where such rear lot line abuts a adjoining side lot line, as in the case of a corner lot, such minimum setback shall be increased to ten (10) feet.
3. An accessory building or structure, including carports which are attached to the principal building, shall comply with side yard setback requirements applicable to the principal building.
4. Breezeways, as an attachment between the garage or carport and the main building, shall be considered a part of the main building.

G. Height:

1. In Conservation and Residential Districts, accessory buildings shall not exceed twenty-two (22) feet in height, except that accessory buildings shall not exceed thirty (30) feet in height on parcels of five (5) acres or greater in area in a Conservation District. In either case, for each one (1) foot in height in excess of fifteen (15) feet, the required setback of subsection (B) above shall be increased by one (1) foot. See Article 21 for definition of building height.
2. Accessory buildings in Commercial or Industrial Districts may be constructed to equal the permitted maximum height of principal structures in said Districts, subject to site plan approval.

H. 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 ~~Table 9-4: 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.~~

Table 20-1: Maximum Area of Lot Table

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
<i>Note: 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.</i>		

- I. **Habitation of Accessory Structures**: No accessory building or structure shall be used or occupied as a dwelling. See Section 20.17, Temporary Dwellings.
- J. **Prior to a Principal Structure**: Accessory buildings and structures may be erected on a lot or parcel prior to the establishment of a principal structure provided the landowner submits a plot plan or site plan to the Zoning Administrator pursuant to Article 4 and the Zoning Administrator finds that such building or structure will not hinder the future erection of a principal building(s) in conformance with all setback and other site development requirements of this Ordinance. Accessory buildings and structures approved for erection on a lot or parcel prior to the establishment of the principal structure shall be appropriately landscaped to be harmonious in appearance and character with surrounding properties. Such landscaping shall be identified on the plot plan or site plan and shall be installed within four (4) months of substantial completion of construction of the accessory buildings or structures.

ARTICLE V. 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 VI. All ordinances and provisions of ordinances of the Birch Run Township in conflict herewith are hereby repealed.

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

CERTIFICATION

ADOPTED

YEAS: K. Kiessling, Letterman, C. Trinklein, Sheridan, D. Trinklein Jr., R. Kiessling

NAYS: None

ABSENT: Watts,

State of Michigan, County of Saginaw,

I, the undersigned Township Clerk for the Township of Birch Run, Saginaw County, Michigan, certify that the above Ordinance adopted by the Township Board of Trustees of the Township of Birch Run on the 11th day of April 2023, and was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date.

Dated: April 12th, 2023

Riley Kiessling, Clerk

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