

**BIRCH RUN TOWNSHIP PLANNING COMMISSION/
BIRCH RUN TOWNSHIP BOARD OF TRUSTEES/
BIRCH RUN TOWNSHIP ZONING BOARD OF APPEALS**

SPECIAL JOINT MEETING

1 Dec 2003

Called to Order by Planning Commission Chairman Al Hunter

Purpose of Meeting: Review second part of Article 5 of new zoning ordinance.
Review Articles 15 - 19
Distribute Article 20

Present for Planning Commission: Al Hunter, Jim Totten, Wyn Wilson, Dennis Bronner,
Bob Scharrer, Jeff Putnam

Present of Township Board: Earl Schlegel, Amy Cook, Debbie Trevino, Joanne
Strahm, Jeff Putnam, Ed Magnus, Dave Stewart

Present for ZBA: Mike Marr, Ed Magnus, Dennis Bronner

Motion by Putnam supported by Scharrer to approve the minutes of 24 Nov 2003.

Yeas: Hunter, Totten, Scharrer, Putnam

Nays: None

Abstain: Bronner

The following sections of the ordinance draft were reviewed:

Article 5: Procedures for Special Land Uses

Section 5.18: Campgrounds

A.3: strike the words "mobile home unit" and add another sentence that prohibits any storage of a mobile home in a campground.

Section 5.19: Adult Entertainment businesses

No concerns voiced.

Section 5.20: Golf Courses, Country Clubs and Driving Ranges

No concerns voiced.

Section 5.21: Artificial Ponds

Artificial Pond will be defined as an area of 750 square feet or more.

A.2: Add new sentence; "Unless the pond is shared by multiple lot owners. If it is, then the Township may require an easement to be recorded to ensure proper maintenance."

B.2: Add "If more than 20 cubic yards of dirt is excavated and taken off the property, a mineral extraction permit must be secured by the owner."

8:12 PM: Break

8:25 PM: Resume workshop

Section 18.02: Natural Resources
No concerns voiced.

Section 18.03: Potable Water & Sewage Disposal
No concerns voiced.

Section 18.04: Lighting
C.2: Delete

Section 18.05: Noise
Delete this section.

Section 18.06: Vibration
No concerns voiced.

Section 18.07: Glare and Heat
No concerns voiced.

Article 19: Access Provisions

Section 19.01: Purpose
No concerns voiced.

Section 19.02: Lots to Have Access
A.1. Revise to read that the lot must have frontage.

Section 19.03: Driveways
No concerns voiced.

Section 19.04: Clear Vision Zone
No concerns voiced.

Section 19.05: Private Roads
Table until the next meeting.

Section 19.06: Shared Driveways
Insert wording that lots must have road frontage, and lots cannot be stacked.

Next Special Joint Meetings set for 12 Jan 04 and 28 Jan 04.
Next Planning Commission Special Meeting set for 16 Dec 03.

Motion by Marr supported by Wilson to adjourn.
Motion passed by voice vote.

Meeting Adjourned at 9:55 PM.

Submitted: 
Chairman

Approved: 1-12-04

LANDPLAN

INCORPORATED

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Date: November 20, 2003
To: Birch Run Township Planning Commission, Township Board, ZBA, and Zoning Administrator
From: Mark A. Eidelson, AICP
Re: **Articles 15 – 19 of the New Zoning Ordinance**

Attached please find draft Article 15 – 19 of the new Zoning Ordinance. The accompanying materials address off-street parking and loading, landscaping and screening, environmental protection, and access, including private roads and shared driveways. A fully updated Table of Contents is also included. As you review this material, please note the following:

Article 15 - Reserved for Future Use: This Article was originally to be used for the regulation of signage. With the recent adoption of the Township's new police power ordinance addressing this matter, this Article has now been reserved for future use.

Article 16 - Off-Street Parking: The current Birch Run Township Zoning Ordinance addresses off-street parking in Chapter 4. The proposed Article 16 and current Chapter 4 are similar in substance, but Article 16 provides greater detail and clarification. This Article applies primarily to commercial, industrial, and institutional uses. The landscaping/screening provisions for parking lots are addressed in proposed Article 17 (Landscaping and Screening). Please note that Section 16.03(E)(1) prohibits off-street parking in a required front yard setback in the interest of more effectively preserving the desired character of the community. The current Ordinance only requires 20', irrespective of the front yard setback for buildings. Please also note Section 16.04(A)(2). This provision is rarely included in an ordinance but is intended to provide greater flexibility to the landowner and minimize "seas of asphalt."

Article 17 - Landscaping and Screening: The current Birch Run Township Zoning Ordinance is largely silent on the matter of landscaping and screening. Proposed Article 17 presents a comprehensive set of landscaping/screening provisions. This Article does not apply to single family and two family dwellings, but only to those uses that require site plan approval (such as commercial and industrial uses).

Article 18 - Environmental Protection: This Article is intended to better assure environmental protection associated with new development and land uses without placing a burden on the Township to regulate activities already addressed by state or federal authorities. Again, the current Birch Run Township Zoning Ordinance is somewhat silent on these matters.

Article 19 - Access Provisions: The majority of this Article focuses on private roads and shared driveways. I expect these sections to generate healthy discussion as this is the first time the Township is considering such provisions.

Please review these materials carefully and identify any revisions you would like to see made, provisions you feel need further discussion and exploration, or questions you may have. We are scheduled to meet again on December 1. The tentative agenda for the meeting is to finish our review of the second part of Article 5 (dated 11-3-03, beginning with Section 5.19) and then proceed to review this attached material. I will bring the final Article of the draft Ordinance to the December 1 meeting, consisting of Article 20 – General Provisions. Please call if you have any questions.

Happy Thanksgiving.

rural community planning & zoning services

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Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

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RESERVED for FUTURE USE

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Article 16

OFF-STREET PARKING and LOADING

Section 16.01 Purpose

It is the purpose of this Article to establish standards and requirements to assure that parking spaces shall be adequately provided and maintained by each property owner in every zoning district for the off-street storage of motor vehicles as may be necessary, including in association with the receiving and distribution of goods by motor vehicle, to prevent undue interference and hazards with the public use of such parking areas, receiving and distribution areas, roads, and other vehicle access areas.

Section 16.02 General Requirements

- A. Fractional Space:** When units of measurement determining the number of required parking spaces result in a fractional space, any fraction to and including one-half (1/2) shall be disregarded and fractions over one-half (1/2) shall require one (1) parking space.
- B. Requirements for a Use Not Mentioned:** In the case of a use not specifically mentioned, the requirements of off-street parking for a use which is mentioned and which is most similar to the use not listed shall apply. This determination shall be made during site plan review proceedings and a record of the rationale applied shall be documented for the record.
- C. Use of Off-Street Parking Areas:** Off-street parking areas shall be reserved for the parking of vehicles used to service the establishment to which it is accessory and by its patrons. No commercial repair work, servicing, storage, selling of any other activity shall be conducted in an off-street parking area except as may be otherwise authorized through the issuance of a permit for a temporary use.
- D. Building Additions or Other Increases in Floor Area:** Whenever a use requiring off-street parking is increased in area, or when interior building modifications result in an increase in capacity for any premise use, additional parking shall be provided and maintained in the proper ratio to the increased floor area or capacity.
- E. Location and Joint Use of Parking Areas:** All off-street parking areas shall be located on the same lot, or on the adjacent premises in the same district as the use they are intended to serve. The joint use of parking facilities by two or more uses may be granted during site plan review proceedings whenever such joint use is practical and satisfactory to each of the uses intended to be served, and when all site development requirements of Section 16.04 are met.
1. **Computing Capacities:** In computing capacities of any joint use, the total space requirement shall be the sum of the individual requirements that will occur at the same time. If space requirements for individual uses occur at distinctly different times, the total of such off-street parking facilities required for joint or collective use may be reduced below the sum total of the individual space requirements.
 2. **Record of Agreement:** A copy of a proposed agreement between joint users shall be filed with the application for a zoning permit and a copy shall be recorded with the County Register of Deeds upon approval of the application. The agreement shall include a guarantee for continued use of the parking facility by each party and a provision requiring written approval by all joint users and the site plan approving body for termination of such agreement.
- F. Queued Vehicles:** There must be a minimum of fifty (50) linear feet of on-site storage to accommodate queued vehicles waiting to park or exit the site without using any portion of a public road right-of-way or in any other way interfering with road traffic. The site plan approving body may increase this length where it feels the minimum required fifty (50) foot distance will not adequately address public safety issues due to anticipated traffic patterns and/or types of vehicles.
- G. Decrease in Parking Areas:** No off-street parking area which exists at the time this Ordinance becomes effective, or which subsequent thereto is provided for the purpose of complying with this Ordinance, shall thereafter be relinquished or reduced in any manner below the requirements established by this Ordinance unless additional parking area or space is provided sufficient to meet the requirements of this Article and Section 4.08.

Section 16.04 Parking Space Requirements

A. Compliance with Required Number of Parking Spaces:

1. This Section identifies the number of required off-street parking spaces in all districts, by land use type. Such parking spaces shall be located on the lot or parcel upon which the land use is located unless joint use of parking areas is permitted according to Section 16.02(E).
2. In recognition that certain commercial uses generate significantly heightened demands for parking spaces during seasonal or holiday shopping periods, the site plan approving body may, upon request by the applicant, waive up to twenty-five percent (25%) of the required number of parking spaces as a reserved parking area for possible future use. However, the site plan approving body may subsequently require the applicant to construct such parking spaces upon a determination by the site plan approving body that the reduced number of parking spaces is not adequate to meet the parking needs of the use and public safety and welfare is at risk. Upon such a determination, the applicant shall convert the reserve parking area into available parking spaces, meeting all requirements of this Article, within 6 months of such determination. The approved site plan shall clearly identify the location of this reserve parking area including parking spaces and aisles, and no buildings, structures, or similar improvements shall be established in the reserve parking area. This subsection shall apply only to commercial uses that are required to provide more than thirty (30) parking spaces.

B. Residential Uses:

1. **One and Two Family Dwellings:** Two (2) spaces for each single family dwelling unit.
2. **Multiple Dwellings:** Two (2) spaces for each multiple family dwelling unit plus one space per five (5) units for guest parking, and one (1) additional parking space shall be provided for each employee of the largest work shift.
3. **Mobile Home Park:** Two (2) spaces for each mobile home site plus one (1) space per three (3) units for guest parking.
4. **Group Homes (adult foster care):** One (1) space for every three (3) residents of the home, and one (1) additional parking space shall be provided for each employee of the largest work shift.

C. Commercial Uses: In addition to the parking spaces required below, an additional one (1) parking space shall be provided for each employee of the largest work shift.

1. **Athletic Clubs, Physical Exercise Establishments, Health Studios, Sauna Baths, Judo Clubs:** One (1) parking space per three (3) patrons based on the occupancy load established by the State Fire Marshall.
2. **Automobile or Machinery Sales and Service Garages:** One (1) space for each 200 square feet of showroom floor area plus two (2) spaces for each service bay, provided at least ten (10) spaces are provided. Spaces used for storage of vehicles for sale shall not be used to meet parking requirements.
3. **Banks and Financial Institutions:** One (1) parking space for every onehundred fifty (150) square feet of usable floor area plus sufficient area for six (6) stacking spaces for the first drive-through window and two (2) spaces for each additional window.
4. **Barber Shops and Beauty Parlors:** Two (2) spaces for each beauty/barber chair.
5. **Bowling Alleys:** Four (4) spaces for each alley.
6. **Car Wash, Automatic:** Two (2) spaces for each stall, not including the stall itself, and five (5) stacking spaces for each stall.
7. **Car Wash, Self-Service:** One (1) space for each stall, not including the stall itself, and three (3) stacking spaces for each stall.
8. **Clinics:** Two (2) spaces for each examination or treatment room.
9. **Clothing, Furniture, Appliance, Hardware, Automobile, Machinery Sales, Shoe Repair, Personal Services (other than beauty and barber shops):** One (1) space per four hundred (400) feet of gross floor area.
11. **Convalescent Homes and Similar Uses:** One (1) space for each three (3) beds.
12. **Service Stations:** Two (2) spaces for each repair and service stall (a service stall is not considered a parking space).
13. **Dance Halls, Roller Skating Rinks, Pool and Billiard Rooms:** One (1) space for every three (3) persons allowed based on the maximum capacity of the facility as determined by the State Fire Marshall.
14. **Day Care Centers, Child Care Center, Nursery School, School of Special Education:** One (1) parking space for each 350 square feet of usable floor space or one (1) space for each seven children, whichever is greater.
15. **Funeral Homes and Mortuaries:** One (1) space for every fifty (50) square feet of floor area of chapels and assembly rooms.

Section 16.05 Loading and Unloading Space Requirements

A. Additional Parking Space: Loading space required under this Section shall be provided as area additional to off-street parking space as required under Section 16.04 and shall not be considered as supplying off-street parking space.

B. Space Requirements: There shall be provided an adequate space for standing, loading, and unloading service adjacent to the building opening for loading and unloading. Each space shall be a minimum of twelve (12) feet in width and twenty-five (25) feet in length, and fifteen (15) feet in height, open or enclosed. The site plan approval body may require a greater space length where necessitated by the anticipated type of truck traffic.

Institutional, Commercial, and Industrial Uses Spaces Required

Up to 5,000 square feet of gross floor area:	1 space, if determined necessary during site plan review.
5,001 to 60,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft.
60,001 square feet of gross floor area and over:	4 spaces, plus 1 space per each additional 20,000 square feet.

Industrial Uses

	<u>Spaces Required</u>
Up to 1,400 square feet of gross floor area:	0 spaces.
1,401 to 20,000 square feet of gross floor area:	1 space.
More than 20,000 square feet of gross floor area:	1 space, plus 1 space per each 20,000 sq. ft. of gross floor area in excess of 20,000 sq. ft.

C. Access: Access to a truck standing, loading, and unloading space shall be provided directly from a public road or alley and such space shall be so arranged to provide sufficient off-street maneuvering space as well as adequate ingress and egress to and from a road or alley.

D. Screening: All loading and unloading areas which are adjacent to another District or residential property, or face or are visible from residential properties or public thoroughfares, shall be screened.

E. Location: A loading-unloading area shall not be located within any front yard. A loading-unloading area may be located in a required side or rear yard setback except where such yard adjoins a Commercial or Industrial District. In no case shall the loading-unloading area be located closer than fifty (50) feet to a residential lot line.

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Article 17

LANDSCAPING and SCREENING

Section 17.01 Purpose

It is the purpose of this Article is to establish standards and requirements to assure adequate provisions are made for landscaping and screening so that land uses minimize noise, air, and visual pollution; improve the appearance of off-street parking and other vehicular use areas; assure adequate buffering between incompatible uses; support the desired community character along property adjoining public rights-of-way; prevent soil erosion and soil depletion; and protect and preserve the appearance, character, and value of the community as a whole and its residential and business areas.

Section 17.02 Application

The requirements of this Article shall apply to those uses for which site plan approval is required under Article 4, Site Plan & Plot Plan Review, and any other use so specified in this Ordinance. No site plan shall be approved unless said site plan shall show landscaping, buffer areas, and screening consistent with the requirements set forth in this Article. This Article shall not apply to individual single family and two-family dwellings.

Section 17.03 Landscape Plan Required

A. A detailed landscape plan is required to be submitted as part of a site plan (see Article 4). The landscape plan shall be prepared at a minimum scale of 1" = 100' and shall identify all buffer areas (see Sections 17.04 and 17.05). The landscape plan shall include, but not necessarily be limited to, the clear delineation of the following items:

1. Proposed plant location, spacing, and size and descriptions for each plant type proposed for use to meet the requirements of this Article.
2. Identification of grass and other proposed ground cover and method of planting.
3. Existing and proposed contours.
4. Significant construction details to resolve specific site conditions, such as tree wells to preserve existing trees or culverts to maintain natural drainage patterns.
5. Planting and staking details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
6. Identification of existing trees and vegetative cover to be preserved and those areas of trees six (6) inches or larger in diameter, measured five (5) feet from ground surface, to be removed.

Section 17.04 Buffer Areas

A. **Side and Rear Yard Buffer Areas:** A buffer area shall be established along all side and rear lot lines. The buffer area shall not be used for storage or used in any other manner except for the purposes of a buffer.

1. The buffer area shall extend from the respective lot line for a width equal to the respective required yard setback for the principal building, but in no case shall such buffer area be less than ten (10) feet in width. The buffer yard shall include a berm or solid wall or fence or a combination thereof, and be of at least (5) feet in height. The buffer area shall be planted and maintained with evergreens such as spruce, pines, or firs, and deciduous trees. While such plantings need not be evenly spaced, the trees shall be provided at a rate of at least one (1) evergreen tree per fifty (50) linear feet and one (1) deciduous tree per one hundred (100) linear feet. Heights of walls shall be measured on the side of the proposed wall/fence having the higher grade. At the time of their planting, evergreen trees shall be a minimum of five (5) feet in height and deciduous trees shall have a caliper of at least two and a half (2 1/2) inches, measured five (5) feet above the ground surface, and be a minimum of twelve (12) feet in height.
 - a. A buffer area need not include a berm, wall or fence where the abutting parcel is in the same District as the buffer yard, except where such a measure is determined necessary during site plan review proceedings to adequately mitigate negative impacts. However, all plant material required by (1) above shall be provided.

Section 17.08 Fencing and Walls Construction

- A. Materials:** All required fencing and walls shall be constructed and maintained in a sound manner to assure long-term structural integrity and visual character. Site plans shall include all necessary construction details to illustrate compliance with this requirement. The finished side of fencing shall face abutting properties.
- B. Height:** Required fencing and walls shall be of such height to adequately mitigate the impacts for which the screening is deemed desirable. Site plans shall include all necessary construction details to illustrate compliance with this requirement.

Section 17.09 Waivers and Modifications

Any of the requirements of this Article may be modified through site plan review proceedings, provided the approving body first makes a written finding that specifically identifies characteristics of the site or site vicinity that would make required buffer areas, fencing, or screening unnecessary, inappropriate, or ineffective, or where it would impair vision at a driveway or street intersection.

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Article 18

ENVIRONMENTAL PROTECTION

Section 18.01 Purpose

The purpose of this Article is to promote a healthy environment in Birch Run Township as it relates to the Township's natural resources; sensitive ecosystems; the integrity of the Township's land, water, and air; the quality of the Township's visual environment, including the management of outdoor lighting and its impact upon traffic safety, adjacent land uses and the night sky; and the provision of adequate sewage disposal and potable water. All provisions of this Article apply to all structures and uses unless otherwise noted.

Section 18.02 Natural Resources

A. Compliance with Local, County, State, and Federal Regulations: All land uses and construction activities shall conform with the provisions of this Ordinance and all county, state and federal regulations including, but not limited to, the following:

1. Applicable fire safety and emergency vehicle access requirements of the State Construction Code and State Fire Marshall.
2. Requirements of the Michigan Department of Consumer and Industry Services and the Saginaw County Health Department.
3. Requirements of the Michigan Department of Environmental Quality including those applying to air and water quality protection, wetlands, stream crossings, fills in or near water bodies or in flood plains, and waste disposal.
4. All local, county, state and federal regulations related to loading/unloading, transport, storage, use and/or disposal of hazardous substances.
5. Applicable rules and regulations of the Federal Communications Commission.

B. Discharges

1. No dust, fumes, or noxious, odorous matter shall be discernible at or beyond the property line except as may be expressly authorized by law. Any atmospheric discharge requiring a permit from the Michigan Department of Environmental Quality or federal government shall have said permit(s) as a condition of approval for such use. This subsection shall not apply to farm operations in compliance with most current published Generally Accepted Agricultural Management Practices of the Michigan Commission of Agriculture.
2. It shall be unlawful to discharge any materials in such a way or of such nature or temperature as can contaminate any surface waters, land or aquifers, or otherwise cause the emission of dangerous or objectionable elements, except in accord with standards approved by the Michigan Department of Environmental Quality.

C. Sensitive Lands:

1. Where a portion of a parcel is characterized by sensitive or fragile environmental features, including marshes, hydric soils, or flood plains, new development on the parcel shall only occur on those portions of the parcel void of such features where reasonably feasible.
2. Except where required to do so by state or federal law, the Township shall not approve any land use which requires a county, state, or federal permit until such permit has been obtained and satisfactory evidence has been submitted verifying the acquisition of the necessary permits, or satisfactory evidence has been submitted to the approving body verifying the acquisition of such permit is not necessary.
3. The Township may require mitigation measures be taken to replace those resources disturbed or destroyed by a land use, or to otherwise lessen the impact of a new land use upon natural resources and sensitive areas.

D. Clearing, Grading, and Drainage: In order to protect soil resources, adjacent properties, public roads, and public watercourses, and to provide for adequate drainage of surface water, the following rules shall apply to all construction activities requiring permits pursuant to this Ordinance.

1. **Removal of Topsoil:** Stripping and removal of topsoil from a site is prohibited prior to the completion of all approved site improvements and the seeding, sodding, and landscaping of all disturbed areas except where expressly authorized in an approved site plan. "Disturbed areas" shall be interpreted to mean any area of a lot which is altered by grading or other construction activities and which area is not proposed to be paved or otherwise built upon.

Section 18.05 Noise

A. A person, industry, corporation, firm or business shall not emit, cause or allow to be emitted, sound from any source or combination of sources other than a motor vehicle registered for use on public highways, which when measured in accordance with the procedure described herein exceeds the sound level limits in Table 18.05-1 below. Measurement of sound level shall be made using a microphone set at a height of approximately four and one half (4 1/2) feet and at a horizontal distance of at least five (5) feet from a lot line or right-of-way line on any lot or right-of-way other than that on which the sound sources being measured is located. A violation shall not be deemed to exist unless the sound level measured with the sound source or sources of interest in operation is at least six (6) decibels higher than the sound level measured with the sound source or sources not in operation. Duration of sound shall be measured by observing the sound level meter and recording the sound level measured at intervals of time not to exceed five (5) minutes.

B. All measurements shall be made using a sound level meter which meets the requirements of the American National Standard S1.41984, "Type 2 or Type 1 Sound Level Meters," and which has been set for fast meter response and the A-weighting network.

C. This Section shall not apply to agricultural operations utilizing equipment with normal silencing devices, home lawn maintenance machines and snow blowers that meet their respective product requirements, the emission of sound for the purposes of alerting persons of an emergency or emergency vehicle, and the emission of sound in the performance of emergency work.

Table 18.05
A-Weighted Sound Level Limits (Decibels)

Duration, as a percentage of any one hour period.	<u>Districts</u>		<u>Districts</u>	
	Conservation and Residential		Commercial and Industrial	
	6:00 pm - 6:00 am	6:00 am - 6:00 pm	6:00 pm - 6:00 am	6:00 am - 6:00 pm
50% or greater:	45	50	55	65
More than 10% but less than 50%:	50	55	60	70
10% or less:	55	65	70	75
Maximum, any duration:	65	75	80	80

Section 18.06 Vibration

Operating any devices that creates vibration which is above the vibration perception threshold of an individual at or beyond the lot of the source shall be prohibited. For the purposes of this Section, vibration perception threshold means the minimum ground or structure-borne vibrational motion necessary to cause a normal person to be aware of the vibration by such direct means as, but not limited to, sensation by touch or observation of moving objects.

Section 18.07 Glare and Heat

Any operation which produces glare or heat shall be conducted within an enclosure so as to completely obscure and shield such operation from direct view from any point along the lot lines. If heat is a result of an operation, it shall be so insulated as to not raise the temperature at any property line at any time.

Article 19

ACCESS PROVISIONS

Section 19.01 Purpose

The purpose of this Article is to provide standards which will facilitate safe and efficient traffic movement and vehicular access in the Township. The standards contained herein are intended to protect the public health, safety, and welfare, including minimizing congestion and potential for accidents, and better assuring accessibility to property under emergency conditions. The regulations and standards of this Article apply to all properties in the Township. The requirements and standards of this Article shall be applied in addition to the requirements of the Michigan Department of Transportation, Saginaw County Road Commission, and other provisions of this Ordinance.

Section 19.02 Lots To Have Access

A. All parcels or lots hereinafter created in the Township shall have frontage on a public road, or private road constructed and approved according to this Ordinance, and take their access from such frontage so as to provide safe, convenient access for fire protection, other emergency vehicles, and any required off-street parking.

1. A lot need not have frontage on a public street or private road if it gains access from an approved shared driveway (See Section 19.06).
2. Subsection (A) shall not apply to buildings and activities associated with a farm operation.

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 driveway, except upon a finding by the site plan approving body that lesser separation distances shall not undermine the public health, safety and welfare based on projected turning patterns and vehicle trips.

Section 19.04 Clear Vision Zone

A. **Roads:** No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any corner lot within the triangular area formed by the intersection of any road right-of-way lines and a diagonal line connecting them at points fifty (50) feet from their intersection (See Figure 19.04-1).

B. **Driveways:** No fence, wall, hedge, screen, sign, structure, vegetation or other obstruction shall be located so as to impede vision between the height of two and one-half (2 1/2) and ten (10) feet above road grade on any lot or parcel within the triangular area formed by the intersecting lines of a driveway edge and road right-of-way line and a diagonal line connecting them at points twenty (20) feet from their intersection (See Figure 19.04-2).

D. Zoning Permit for Use of Private Road Required: Upon completion of the construction of a private road as authorized by an approved site plan and zoning permit, the Township Board shall grant final approval for the use of the private road to provide access to structures and uses when the following conditions have been met:

1. The applicant's civil engineer shall certify to the Township Board, in writing, that the required improvements were made in accordance with this Article and Ordinance and all approved plans. The applicant's engineer shall be registered in the State of Michigan.
2. The Township Board has received copies of the approved road easement agreement and road maintenance agreement recorded with the Saginaw County Register of Deeds.

E. Design Standards:

1. All private roads shall be designed and constructed to the most current standards of the Saginaw County Road Commission. However, the Township Board may waive one or more of such standards where the following findings are documented along with the rationale for the decision:
 - a. No good public purpose will be achieved by requiring conformance with the standards sought by the applicant to be waived.
 - b. The spirit and intent of this Ordinance will still be achieved.
 - c. The road being proposed as a private road would not undermine the continuity of the public road network including the facilitation of efficient travel and connectivity between neighborhoods.
 - d. Significant natural features such as mature trees, natural slopes, and/or wetlands would be preserved through the waiving of such standards.
2. No departures from the most current standards of the Saginaw County Road Commission shall be authorized prior to the submittal of the private road application to the Township Engineer, Fire Chief, and other public entities whose review and comment is desired by the Township Board.
3. No departures from the most current standards of the Saginaw County Road Commission shall be authorized in the absence of adequate measures to address such public health, safety and welfare issues such as road drainage, soil erosion and sedimentation, emergency vehicle access, and the long-term structural integrity of the road corridor.
4. No departures from the most current standards of the Saginaw County Road Commission regarding paved road surfaces, including a gravel surface, shall be authorized in the absence of adequate documentation that the road surface is capable of satisfactorily accommodating the projected traffic loads on the road.

Section 19.06 Shared Driveways

A. Zoning Permit Required:

1. No shared driveway as defined in this Ordinance, including a new shared driveway or a shared driveway existing on the effective date of this Ordinance, shall be established, extended, or relocated after the effective date of this Ordinance unless a zoning permit has been issued for such activity by the Zoning Administrator.

B. Application and Review:

1. Application: Shared driveways require approval, subject to an application. An application for a shared driveway shall include the following:
 - a. A plot plan drawn to a scale of not less than one inch equals 100 feet (1" = 100') delineating the proposed alignment of the driveway and the lots it is to serve, soil conditions, and existing and proposed grades.
 - b. Draft maintenance agreement signed by applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) A method of financing such shared driveway in order to keep the shared driveway up to the specifications of this Section.
 - 2) A workable method of apportioning the costs of maintenance and improvements to current and future lots along such shared driveway.
 - c. Draft easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and County Register of Deeds providing for:
 - 1) Easements to the public for purposes of emergency and other public vehicles for whatever public services are necessary.
 - 2) A provision that the owners of any and all of the property using the shared driveway shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress, public utilities, and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitee, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the driveway.