

Birch Run Township

Ordinance No. 2023-01

An ordinance to amend the Birch Run Township Zoning Ordinance by amending Article 4 to simplify and improve the site plan review process.

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

Article I. Article 4 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 4 Plot Plan and Site Plan Review

Section 4.01 Purpose

It is the purpose of this Article to specify standards, application and data requirements, and the review process which shall be followed in the preparation of site plans and plot plans as required by this Ordinance. These procedures are incorporated into the zoning permit application process to ensure that Birch Run Township is afforded an opportunity to review and evaluate proposed uses and development of sites with regard to such considerations as vehicular access, parking and vehicular circulation, drainage, screening, setbacks, signage, open spaces and conformance with all applicable provisions and standards of this Ordinance.

Section 4.02 Approval of Site Plan or Plot

- A. **Planning Commission Approval of Site Plans:** Site plan approval is required by the Planning Commission, prior to the issuance of a zoning permit, for the following land uses:
1. All uses permitted by right within any Business and Industrial District.
 2. All special land uses, as specified in each District.
 3. All uses for which this Ordinance requires five (5) or more off-street parking spaces, including multiple family dwellings.
 4. All platted subdivisions subject to the platting requirements of P.A. 591 of 1996, the Land Division Act, as amended.
 5. All condominium subdivisions subject to P.A. 59 of 1978, the Condominium Act, as amended.
 6. All other uses as required elsewhere in this Ordinance.
- B. **Zoning Administrator Approval of Plot Plans:** Plot Plan approval is required by the Zoning Administrator, prior to the issuance of a zoning permit, for all other uses not listed in Section 4.02 (A) above including single- and two-family dwellings.

Section 4.03 Plot Plan Review Procedures

- A. **Plot Plans:** In addition to the necessary fee, ~~five (5)~~ **two (2)** copies of an accurate, readable, **11-by 17-inch** scale drawing, **or similar format acceptable to the Zoning Administrator**, showing the following shall be submitted with applications for zoning permits for uses requiring plot plan review, including single- and two-family dwellings:
1. Name, address, and telephone number of the applicant (and owner if different).

2. ~~A survey showing~~ Property dimensions, angles, lot area, and an arrow pointing north, ~~accompanied by a legal description.~~ **A legal description and/or survey may be required by the Zoning Administrator.**
 3. The location, dimensions, and height of the existing and proposed structures to be erected, altered, or moved on the lot.
 4. Dimensions of yards, parking lots and space dimensions, and the number of spaces.
 5. A description of proposed use(s) of the building(s), land and structures.
 6. The proposed number of sleeping rooms, dwelling units, and employees, as applicable.
 7. Configuration of the driveway and parking areas.
 8. Existing public and private right-of-ways and easements.
 9. Any other information deemed necessary by the Zoning Administrator to determine zoning ordinance compliance and provide for the enforcement of this Ordinance.
- B. **Review:** Upon receipt of completed and adequate application materials, the Zoning Administrator shall review the application materials and determine their conformity with the applicable provisions of this Ordinance.
- C. **Action:** After conducting a review, the Zoning Administrator shall reject **or** approve, ~~or conditionally approve~~ the plot plan as it pertains to requirements and standards of Section 4.05(A). ~~Any conditions required by the Zoning Administrator shall be stated in writing and shown on the plot plan, together with the reasons, and delivered to the applicant.~~ The decision by the Zoning Administrator shall be made within thirty (30) days of the receipt of complete and adequate application materials. A plot plan shall be approved if it contains the information required by law, and is in compliance with this Ordinance. ~~See Section 20.01 regarding conditional approvals~~
- D. **Approved Plot Plans:** At least ~~three (3)~~ **one (1)** ~~copies~~ **copy** of an approved plot plan, with any **associated information** ~~conditions contained within~~, shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant, **along with a letter or completed zoning permit form signed and dated by the Zoning Administrator.** ~~For identification of the approved plans, each copy shall be signed and dated with the date of approval by the Zoning Administrator.~~ If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the plot plan and delivered to the applicant for information and direction.

Section 4.04 Site Plan Review Procedures

- A. **Preliminary Site Plan Application Required:** Prior to preparing a detailed final site plan and seeking approval of such site plan, the applicant shall ~~may seek approval~~ **request review** of a preliminary site plan for the purpose of ~~receiving approval of the general design and layout of the project~~ **identifying potential conflicts with provisions of the zoning ordinance or other Township policies.** ~~A preliminary site plan shall be submitted as part of a zoning permit application for all uses listed in Section 4.02(A)~~
- B. **Preliminary Site Plan Submittal, Distribution and Data:** Applications for preliminary site plan approval shall be submitted to the ~~Township Clerk~~ **Zoning Administrator** on a form for that purpose. Upon receipt of the plans and ~~zoning permit application forms~~, the ~~Township Clerk~~ **Zoning Administrator** shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review

such plans including but not necessarily limited to Township departments and staff, consultants, local fire department, Saginaw County Drain Commissioner, and Saginaw County Road Commission. The preliminary site plan application shall include the following except where, upon request by the applicant, the ~~Planning Commission~~ **Zoning Administrator** determines that certain specific data is not necessary in rendering a sound and educated ~~decision~~ **recommendation** on the ~~specific~~ **preliminary** site plan: ~~before it:~~

1. ~~Twenty (20) copies of a~~ **A** completed application form supplied by the Zoning Administrator.
2. ~~Twenty (20) copies~~ **Three (3) paper copies** of the preliminary site plan, **two in 24-by-35 inch format, one in 11-by-17 inch format, and one (1) electronic copy.** ~~containing the same information required for a final site plan as identified in Section 4.04(D) below, except that detailed construction drawings to address specific site improvements are not necessary. However, such preliminary construction drawings shall adequately portray the character and feasibility of critical components of the project such as, but not limited to, storm water management and grading including preliminary road grades, extent of grading and clearing, storm sewer sizes and locations, directional flows and invert elevations; vehicular circulation including dimensions of driveways, parking aisles, and parking spaces; road configurations and cross sections; arrangement of lots; general dimensions, heights and materials for signage; and conceptual planting areas including approximate location, size, number, and type of plant material. In addition, for uses that are expected to generate 100 or more vehicle trips per day, a traffic impact study shall be required and shall address, at a minimum, the anticipated vehicle trips to be generated daily by the development; the impact of the development on road infrastructure, congestion levels, and turning patterns along the abutting and other nearby roads, and proposed mitigation measures to minimize any conflict issues, and conceptual building elevations.~~ **Preliminary site plans shall include the following information:**
 - A. **Name, address, and telephone number of the applicant (and owner if different) and project designer.**
 - B. **Existing public right-of-way, private easements of record, and dead restrictions, and existing improvements on the site including but not limited to roads, driveways, structures, and buildings.**
 - C. **Project description, including the location, dimensions, and height of existing and proposed structures to be erected, altered, or moved on the property; the total number of dwelling units and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; configuration of proposed roads, parking areas, and lots; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.**
 - D. **Proposed location of acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles shall be identified.**

- E. Existing and proposed topography with indications of proposed drainage, along with the location of any retention and/or detention areas and points of discharge for all drains.
 - F. A vicinity sketch showing the location of the site in relation to the surrounding street system, extending a minimum 1 mile from the site, and the identification of surrounding land uses within 300 feet in every direction of the proposed use including land uses on the opposite side of any roads.
 - G. Conceptual building elevations.
 - H. Any other information required for Final Site Plan Submittal, as determined to be necessary by the Zoning Administrator or applicant.
- C. **Planning Commission Zoning Administrator Review and Action on of Preliminary Site Plan:** ~~The Planning Commission~~ **Zoning Administrator, along with other consultants, staff, and officials determined necessary,** shall review the preliminary site plan and ~~shall approve, approve with conditions, or deny the plan, based on compliance with the standards~~ **provide the applicant with a written summary of compliance with the standards** of Section 4.05 **and other relevant provisions of the zoning ordinance.** ~~The Planning Commission shall cite reasons for its action. See Section 20.01 regarding conditional approvals.~~
- 1. ~~Approval of the preliminary site plan is valid for a period of one (1) year. If a complete final site plan for the development, or any phase of the development, has not been submitted during that period, the approval of the preliminary site plan shall be null and void. This time limit may be extended by the Planning Commission upon its finding that no substantial changes have occurred to ordinance regulations, abutting properties, or other conditions that suggest revisions to the layout and/or design of the development. Preliminary site plans whose approval has expired shall be required to resubmit and be processed for approval according to this Section.~~
- D. **Final Site Plan Submittal, Distribution and Data:** Applications for final site plan approval shall be submitted to the ~~Township Clerk~~ **Zoning Administrator** on a form for that purpose. Upon receipt of the plans and zoning permit application forms, the ~~Township Clerk~~ **Zoning Administrator** shall record the date of their receipt and transmit copies to the Planning Commission and other agencies or individuals selected to review such plans including but not necessarily limited to Township departments and staff, consultants, Saginaw County Drain Commissioner, and Saginaw County Road Commission. The final site plan application shall include the following, except where upon request by the applicant, the Planning Commission determines that certain specific data is not necessary in rendering a sound and educated decision on the specific site plan before it:
- 1. ~~Twenty (20)~~ **One (1) paper copy** ~~copies~~ of a completed application form supplied by the ~~Township Clerk~~ **Zoning Administrator.**
 - 2. ~~Twenty (20)~~ **Three (3) paper** copies of the final site plan, **two (2) in 24-by-36-inch format and one (1) in 11-by-17 inch format,** at a scale of not less than one (1) inch equals one-hundred (100) feet. The final site plan shall be provided on a professional quality drawing and all information depicted shall be designed by a professional engineer, land surveyor, or landscape architect licensed in Michigan

and the seal of such designer shall be affixed. The plan shall provide the following minimum information:

- a. Name, address and telephone number of the applicant (and owner if different) and project designer.
- b. A survey showing property dimensions and legal description, including angles, lot area and dimensions, and an arrow pointing north.
- c. Existing natural features such as woodlands, streams, flood plains, county drains, lakes or ponds, and topography (at two-foot intervals on-site and within one hundred fifty (150) feet of the site).
- d. Existing public right-of-way, private easements of record, and deed restrictions, and existing improvements on the site including but not limited to roads, driveways, structures, and buildings.
- e. Project description, including the location, dimensions, and height of existing and proposed structures to be erected, altered, or moved on the property; the total number of dwelling units and offices; the square feet associated with each building and use including total and usable floor area; carports and garages; configuration of proposed roads, parking areas, and lots; employees by shift; amount of recreational and open space and the type of recreation facilities to be provided, and related information as pertinent or otherwise required by this Ordinance.
- f. Proposed location and dimensions of accessory structures, including trash receptacles.
- g. Proposed location of free standing and wall signs, and dimensions and construction details of such signs.
- h. A landscaping plan indicating the locations of plant materials to be preserved and locations of proposed planting and screening, fencing, and lighting in compliance with the requirements of Article 17, Landscaping and Screening. Also, proposed locations of common open spaces, if applicable.
- i. ~~Final construction~~ Plans that ensure proper construction of roads and alleys including ~~plan/profiles, cross-sections~~ acceleration, deceleration or right turn lanes, driveways, parking spaces, sidewalks, with indication of direction of travel, and the inside radii of all curves including driveway curb returns. The width of streets, driveways and sidewalks, the total number of parking spaces, and dimensions of a typical individual parking space and associated aisles shall be identified. Proposed traffic control measures (including signs) and proposed street or road names shall also be indicated.
- j. ~~Final construction~~ Plans **for** that ensure proper construction of facilities designed to manage storm water including location of any retention and/or detention areas and points of discharge for all drains, and engineering specifications including dimensions and elevations of all pipes and drains. The point of discharge for all drains and pipes shall be specified on the site plan.
- k. ~~Final construction~~ Plans that ensure proper construction of facilities designed to provide, collect, store, dispose of, and/or transport potable water, waste water and sewage, including but not necessarily limited to the locations, specifications and elevations of pipes, drains, sumps, holding tanks, and easements that exist or are proposed to be established for installation, repair and maintenance of such utilities.

- l. ~~Final construction plans that ensure proper~~ The location of other utilities not otherwise addressed in (j) and (k) above, and any easements that exist or are proposed to be established for installation, repair and maintenance of utilities.
 - m. Location and specifications for any existing or proposed above or below ground storage facilities for any chemicals, salts, flammable materials, or hazardous materials as well as any containment structures or clear zones required by government authorities.
 - n. A statement from the applicant identifying all federal, state, county, and local permits required, if any.
 - o. Elevation drawings of all buildings and structures
 - p. A vicinity sketch showing the location of the site in relation to the surrounding street system, extending a minimum one (1) mile from the site, and the identification of surrounding land uses within three hundred (300) feet in every direction of the proposed use including land uses on the opposite side of any roads.
 - q. For uses that are expected to generate 100 or more vehicle trips per day, a traffic impact study may be required by the Planning Commission and shall address, at a minimum, the anticipated vehicle trips to be generated daily by the development; the impact of the development on road infrastructure, congestion levels, and turning patterns along the abutting and other nearby roads; and proposed mitigation measures to minimize any conflicts.
 - r. r. Such other information as may be necessary to enable the Planning Commission to determine whether the proposed site plan will conform to the provisions of this Ordinance.
- E. **Final Site Plan Action:** The Planning Commission shall review the application and plans and determine their conformity with the applicable provisions of this Ordinance and the provisions of Section 4.05. After conducting a review, the Planning Commission shall deny, approve, or conditionally approve the final site plan as it pertains to requirements and standards contained in the Zoning Ordinance, including the standards of Section 4.05. A final site plan shall be approved by the Planning Commission if it substantially conforms to the approved preliminary site plan and contains the information required by, and is in compliance with this Ordinance, the conditions imposed pursuant to the Ordinance, other Township planning documents, other applicable ordinances, and state and federal statutes. Any conditions required by the Planning Commission for approval shall be stated in writing, together with the reasons, and delivered to the applicant.
- F. **Approved Site Plans:** ~~Five (5) copies~~ One (1) copy of the approved site plan, with any conditions contained within shall be maintained as part of the Township records for future review and enforcement. One (1) copy shall be returned to the applicant, along with a letter or completed zoning permit form signed and dated by the Zoning Administrator that includes any conditions assigned to the approval by the Planning Commission. Each ~~copy~~ record of an approved site plan shall include a copy of the site plan ~~be~~ signed and dated by the Zoning administrator with the date of approval by the ~~Township Supervisor~~ Planning Commission, minutes from the meeting at which it was approved, and all other relevant information. ~~for identification of the approved plans.~~ If any variances from the Zoning Ordinance have been obtained from the Zoning Board of Appeals, the minutes concerning the variances, duly signed, shall also be filed with the Township records as a part of the site plan and delivered to the applicant for information and direction.
- G. **As-Built Drawings:** The applicant shall submit ~~three (3) copies~~ one paper copy and one electronic copy of as-built drawings upon completion of construction activities, but no later than sixty (60) days ~~from~~ after the issuance of a Certificate of Occupancy by the

Building Official. Such drawings shall identify all improvements made upon the site including utility services.

Section 4.05 Plot Plan and Site Plan Approval Standards

- A. **Plot Plan:** Each plot plan shall conform with all applicable provisions of this Ordinance including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the applicable provisions of:
1. Article 16, Off-Street Parking and Loading
 2. Article 17, Landscaping and Screening
 3. Article 18, Environmental Protection
 4. Article 19, Access Provisions
 5. Article 20, General Provisions
- B. **Site Plan:** Each site plan shall conform with the applicable provisions of this Ordinance ~~including requirements pertaining to lot area, setbacks, lot width, and permitted uses, and the applicable provisions of:~~ **Based upon the following standards, the Planning Commission may deny, approve, or approve with conditions a site plan.**
1. **The plan complies with non-discretionary requirements of the zoning ordinance, including but not limited to** applicable provisions of:
 - a. Article 14, Standards and Regulations for Specific Land Uses
 - b. Article 16, Off-Street Parking and Loading
 - c. Article 17, Landscaping and Screening
 - d. Article 18, Environmental Protection
 - d. Article 19, Access Provisions
 - e. Article 20, General Provisions
 2. **The plan ensures compatibility with adjacent uses of land and will not have a negative impact on adjacent land uses.** ~~All elements of the Plan shall be harmoniously and efficiently organized in relation to topography, the size and type of lot, the character of adjoining property and the type and size of buildings. The site shall be so developed as not to impede the normal and orderly development or improvement of surrounding property for uses permitted in this Ordinance.~~
 3. **The plan provides for adequate setbacks, storm water management, and other features to protect the natural environment and conserve natural resources.**
 4. ~~The removal of storm waters shall not increase off-site sedimentation or otherwise adversely affect neighboring properties due to flooding.~~
 5. **4.** All buildings or groups of buildings **in the plan** shall be so arranged as to permit **reasonable** emergency access ~~by some practical means to all sides.~~
 6. ~~There shall be provided a pedestrian circulation system which is insulated as completely as reasonably possible from the vehicular circulation system.~~
 7. **5.** **The plan provides for adequate transportation access, including for safe pedestrian movement and coordinates with the pattern of existing or planned streets and pathways in the area.** ~~The arrangement of public or common ways for vehicular and pedestrian circulation shall ensure the public health, safety and welfare including coordination with the pattern of existing or planned streets and pedestrian or bicycle pathways in the area, compatibility with adjacent land uses, and design capacities. Roads and drives which are part of an existing or planned road pattern which serve adjacent development shall be of a width appropriate to the traffic volume they will carry~~
 8. **6.** All parking areas shall be so designed to facilitate efficient and safe vehicular and pedestrian circulation, minimize congestion at access and egress points to intersecting roads, including the use of service drives as appropriate, and

- ~~minimize the negative impacts of such parking areas. The plan~~ shall not include unnecessary curb cuts and shall use shared drives and/or service drives unless precluded by substantial practical difficulties.
9. ~~7. The site plan shall provide for the appropriate location of all necessary and proposed utilities. Locational requirements shall include underground facilities to the greatest extent feasible. The Plan demonstrates that the capacity of streets, public services, and other public facilities affected by the proposed use or activity are adequate to accommodate any increase in usage or demand.~~
 10. ~~8. The plan promotes the use of land in a manner consistent with the goals of the township master plan~~
 11. ~~9. Site~~ The plans shall conform to all applicable requirements of state and federal statutes
 12. ~~10. The applicant plan~~ shall demonstrate that reasonable precautions will be made to prevent hazardous materials from entering the environment including:
 - A. General purpose floor drains shall only be allowed if they are approved by the responsible agency for connection to a public sewer system, an on-site closed holding tank (not a septic system), or regulated through a State of Michigan ground water discharge permit.
 - B. State and federal agency requirements for storage, spill prevention, record keeping, emergency response, transport and disposal of hazardous substances shall be met. No discharges to ground water, including direct and indirect discharges, shall be allowed without required permits and approvals.

Section 4.06 Conformity To Approved Site Plan and Plot Plan

Property which is the subject of plot plan or site plan approval shall be developed in strict compliance with the approved plan and any approved changes thereto.

Section 4.07 Appeals

A person aggrieved by a decision on a site plan may appeal such decision to the Zoning Board of Appeals pursuant to Article 6.

Section 4.08 Changes to Approved Site Plan and Plot Plan

- A. **Site Plan Changes:** No changes shall be made to an approved site plan prior to, during, or after construction except according to the following procedures;
 1. Major Changes: Major changes to an approved site plan shall include changes in excess of five-hundred (500) square feet in gross floor area or in excess of ten percent (10%) of the gross floor area; changes in excess of ten (10) feet in the location of walkways, vehicular circulation ways and parking areas, or exterior building and structure walls; changes in the number and location of accesses to public streets and alleys; a reduction in the number of parking spaces or an increase of more than five (5) parking spaces; an increase in the heights of buildings or number of dwelling units; a reduction in open space; the addition or alteration of signage, and similar changes. Major changes shall require approval in the same manner as the original site plan application was submitted, reviewed, and approved and subject to the finding of all of the following:
 - a. Such changes will not adversely affect the initial basis for granting approval;
 - b. Such changes will not adversely affect the overall project in light of the intent and purpose of such development as set forth in this Article; and

- c. Such changes shall not result in the reduction of open space area as required herein.
- 2. Minor Changes: Minor changes to an approved site plan shall include changes not otherwise included as a major change in (A)(1) above and may be approved by the Zoning Administrator. Approved changes shall be clearly specified in writing and signed by the Zoning Administrator. The Zoning Administrator shall keep accurate records of approved changes. The Zoning Administrator may defer action to the Planning Commission.
- B. **Plot Plan Changes:** The Zoning Administrator shall review proposed changes to an approved Plot Plan in the same manner as the original plot plan application was submitted, reviewed, and approved.

Section 4.09 Pre-Existing Site Plans and Plot Plans Under Review

- A. **Plot Plan:** Any plot plan application filed prior to the effective date of this Ordinance or amendment ~~thereto~~, which has not been subject to action at the time this Ordinance or amendment has taken effect, shall be returned to the applicant for re-submittal under the provisions of this Ordinance or amendment ~~thereto~~.
- B. **Site Plan:** All development subject to site plan approval shall comply with the regulations and standards of this Ordinance except in the case where a development plan has received preliminary site plan approval by the site plan approving body prior to the effective date of this Ordinance or amendment thereto, in which case the final site plan shall be reviewed using the procedures and substantive standards under the ordinance in effect at the time of the preliminary plan approval, provided the final site plan is filed with the Zoning Administrator within one year of the approval of the preliminary plan and contains all information required and accompanied by all required fees.

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

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

CERTIFICATION

ADOPTED

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

NAYS: None

ABSENT: None

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 No. 2023-01, adopted by the Township Board of Trustees of the Township of Birch Run on the 14th day of February 2023, and was recorded in full in the Minutes of the Meeting of the Township Board of Trustees on said date.

Dated: February 17th, 2022

Riley Kiessling, Clerk

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