

**BIRCH RUN TOWNSHIP BOARD OF TRUSTEES
SPECIAL JOINT MEETING BETWEEN THE PLANNING COMMISSION/ TOWNSHIP
BOARD AND ZBA
DECEMBER 1, 2003**

The Planning Commission Chairman for the purpose of rewriting the Zoning Ordinance Book called a special joint meeting. Chairman Al Hunter called the Special Joint Meeting/Workshop to order at 7:00 P.M. Present for the Birch Run Township Board were Earl Schlegel, Supervisor; Amy Cook, Clerk; Dave Stewart, Ed Magnus, Joanne Strahm, and Jeff Putnam, Trustees. Present for the Planning Commission were Al Hunter, Wyn Wilson (7:20 pm), Dennis Bronner, Bob Scharrer, and Jim Totten. Present for the ZBA was Mike Marr. There was no one in the audience.

A quorum was present for all the Boards present.

Motion by Magnus supported by Marr to approve the November 12, 2003 minutes.
Yeas: Marr, Magnus, Bronner
Nays: None

The handout attached dated November 3, 2003, *Balance of Article 5 of the New Zoning Ordinance* and the article date November 20, 2003, *Article 15-19 of the New Zoning Ordinance*, will be the document in which to refer to for the remainder of the minutes.

Section 5.18: Campgrounds

A#3: Strike the wording "mobile home unit" and then add another sentence that prohibits any storage of a mobile home in a campground.

Section 5.19: Adult Entertainment Business

No concerns

Section 5.20: Golf Courses, Country Clubs and Driving Ranges

No concerns

Section 5.21: Artificial Ponds

The definition of an Artificial Pond will be an area of 750 square feet or more.

A#2: Add a new sentence that will read, "Unless the pond is shared by multiple lot owners and if it is then the township may require that a easement be recorded to ensure proper maintenance."

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

Section 5.22: Sale of Fireworks

No concerns

Section 5.23: Extraction Operations

No concerns

Section 5.24: Communication Towers, Class 1

A#3: It will be added that "guy wires" will be fenced also.

A#6: The sentence will now read, "Communication towers shall be constructed no closer than two (2) miles apart for A-1 and A-2 Districts."

Table of Permitted Uses: Article 9/Table 9-2 #9: Add that Class One towers are permitted by special land use in A-1 and A-2 Districts.

A majority of the Boards voted to split section 5 and transfer the information of the second half of section 5 into another section (14 or 15).

Article 16: Off Street Parking and Loading

16.01: Purpose
No concerns

16.02: General Requirements
C: The wording "selling of" should be changed to "selling or."
F: Change the word "queued" to a simpler more understandable word.

16.03: Site Development Requirements for Off-Street Parking
No concerns

16.04: Parking Space Requirements
C#8: Change the words "Clinics" to read "Medical Clinics"

16.05: Loading and Unloading Space Requirements
No concerns

Article 17 Landscaping and Screening

Section 17.01: Purpose
No concerns

Section 17.02: Application
No concerns

Section 17.03: Landscape Plan Required
No concerns

Section 17.04: Buffer Areas
No concerns

Section 17.05: Parking Lot Landscaping and Screening
No concerns

Section 17.06: Minimum Standards of Landscape Elements
No concerns

Article 18 Environmental Protection

Section 18.01: Purpose
No concerns

Section 18.02: Natural Resources

No concerns

Section 18.03: Potable Water & Sewage Disposal

No concerns

Section 18.04: Lighting

C#2: Delete

Section 18.05: Noise

Delete this section

Section 18.06: Vibration

No concerns

Section 18.07: Glare and Heat

No concerns

Article 19 Access Provisions

Section 19.01: Purpose

No concerns

Section 19.02: Lots to Have Access

A#1: Revise to read that the lot must have frontage

Section 19.03: Driveways

No concerns

Section 19.04: Clear Vision Zone

No concerns

Section 19.05: Private Roads

Tabled until next meeting

Section 19.06: Shared Driveways

Insert the wording that the lots have to have roadside frontage and the lots cannot be stacked.

Motion by Marr supported by Bronner to adjourn at 9:55 pm.

Motion carried

The next meeting will be January 28, 2004

Mike Marr

ZBA Chairperson

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.

TABLE of CONTENTS

<u>Article and Section</u>	<u>Page</u>
PREAMBLE	1-1
ARTICLE 1: TITLE and PURPOSE	1-1
Section 1.01 Title	1-1
Section 1.02 Purpose	1-1
ARTICLE 2: INTERPRETATION, SEVERABILITY, VESTED RIGHT, REPEAL, and EFFECTIVE DATE	2-1
Section 2.01 Interpretation	2-1
Section 2.02 Severance Clause	2-1
Section 2.03 Vested Right	2-1
Section 2.04 Repeal	2-1
Section 2.05 Effective Date	2-1
ARTICLE 3: ADMINISTRATION, ENFORCEMENT, and PENALTIES	3-1
Section 3.01 Purpose	3-1
Section 3.02 Responsibility for Administration	3-1
Section 3.03 Duties Of The Zoning Administrator	3-1
Section 3.04 General Zoning Permit Procedures And Regulations	3-2
Section 3.05 Violation and penalties	3-4
Section 3.06 Performance Guarantees for Compliance	3-4
Section 3.07 Timely Action on Applications	3-5
ARTICLE 4: PROCEDURES for PLOT PLAN and SITE PLAN REVIEW	4-1
Section 4.01 Purpose	4-1
Section 4.02 Approval of Site Plan or Plot Plan Required	4-1
Section 4.03 Plot Plan Review Procedures	4-1
Section 4.04 Site Plan Review Procedures	4-3
Section 4.05 Plot Plan and Site Plan Approval Standards	4-4
Section 4.06 Conformity to Approved Plot Plans and Site Plans	4-5
Section 4.07 Appeals	4-5
Section 4.08 Changes to Approved Plans	4-6
Section 4.09 Pre-Existing Site Plans and Plot Plans Under Review	4-6
ARTICLE 5: PROCEDURES for SPECIAL LAND USES	5-1
Section 5.01 Purpose	5-1
Section 5.02 Procedures For Special Land Uses	5-1
Section 5.03 Appeals	5-2
Section 5.04 Reapplication	5-2
Section 5.05 Changes	5-2
Section 5.06 Approval Standards	5-2
Section 5.07 Bed And Breakfast	5-5
Section 5.08 Commercial Stables	5-6
Section 5.09 Vehicle/Car Wash Establishment	5-6
Section 5.10 Vehicle Repair Shops and Service Stations	5-6
Section 5.11 Shooting Ranges and Hunt Clubs	5-7
Section 5.12 Day Care Facility, Group Home	5-7
Section 5.13 Agricultural Labor Housing	5-8
Section 5.14 Junkyards	5-8
Section 5.15 Kennels	5-8
Section 5.16 Mini Storage Facilities	5-9
Section 5.17 Private Landing Strips	5-9
Section 5.18 Campgrounds	5-9
Section 5.19 Adult Entertainment Businesses	5-10

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

Section 5.20	Golf Courses, Country Clubs, and Driving Ranges	5-10
Section 5.21	Artificial Ponds	5-11
Section 5.22	Sale of Fireworks	5-12
Section 5.23	Extraction Operations	5-13
Section 5.24	Communication Towers, Class 1	5-14
ARTICLE 6:	ZONING BOARD of APPEALS (ZBA)	6-1
Section 6.01	Purpose	6-1
Section 6.02	Creation And Membership	6-1
Section 6.03	Organization	6-1
Section 6.04	Jurisdiction	6-2
Section 6.05	Appeals for Administrative Reviews	6-2
Section 6.06	Interpretations	6-3
Section 6.07	Variances	6-3
Section 6.08	Procedures	6-3
Section 6.09	Review By Circuit Court	6-4
ARTICLE 7:	PROCEDURES for AMENDMENTS	7-1
Section 7.01	Purpose	7-1
Section 7.02	Initiation of Amendments	7-1
Section 7.03	Procedures	7-1
Section 7.04	Resubmittal	7-3
Section 7.05	Comprehensive Review of Zoning Ordinance	7-3
ARTICLE 8:	RESERVED for FUTURE USE	8-1
ARTICLE 9:	ZONING DISTRICTS, REGULATIONS and MAP	9-1
Section 9.01	Establishment Of Districts	9-1
Section 9.02	Purposes of Zoning Districts	9-1
Section 9.03	Zoning District Map	9-2
Section 9.04	Interpretation of District Boundaries	9-2
Section 9.05	Permitted Uses in Zoning Districts	9-2
Section 9.06	Site Development Requirements of Zoning Districts	9-3
Section 9.07	Special District Provisions	9-3
ARTICLE 10:	OPEN SPACE COMMUNITIES (OSC)	10-1
Section 10.01	Purpose	10-1
Section 10.02	Overlay District	10-1
Section 10.03	Procedures for Open Space Communities	10-1
Section 10.04	Approval Standards	10-1
Section 10.05	OSC Design Standards	10-2
Section 10.06	Waiver of Standards	10-4
ARTICLE 11:	PLANNED UNIT DEVELOPMENT (PUD) DISTRICT	11-1
Section 11.01	Purpose	11-1
Section 11.02	PUD is a Separate District	11-1
Section 11.03	Minimum Eligibility Requirements	11-1
Section 11.04	Use and Design Standards	11-1
Section 11.05	Approval Standards	11-2
Section 11.06	Procedures for Review and Approval	11-2
Section 11.07	Phasing	11-3
ARTICLE 12:	RESERVED for FUTURE USE	12-1
ARTICLE 13:	NONCONFORMING LOTS, USES and STRUCTURES	13-1
Section 13.01	Purpose	13-1
Section 13.02	Nonconforming Lots	13-1
Section 13.03	Nonconforming Uses of Land	13-1
Section 13.04	Nonconforming Structures	13-1
Section 13.05	Repairs And Maintenance	13-2
Section 13.06	District Changes	13-2
Section 13.07	Illegal Nonconforming Uses	13-2

*Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003*

ARTICLE 14:	RESERVED for FUTURE USE	14-1
ARTICLE 15:	RESERVED for FUTURE USE	15-1
ARTICLE 16:	OFF-STREET PARKING AND LOADING	16-1
Section 16.01	Purpose	16-1
Section 16.02	General Requirements	16-1
Section 16.03	Site Development Requirements	16-2
Section 16.04	Parking Space Requirements	16-3
Section 16.05	Loading And Unloading Space Requirements	16-5
ARTICLE 17:	LANDSCAPING AND SCREENING	17-1
Section 17.01	Purpose	17-1
Section 17.02	Application	17-1
Section 17.03	Landscape Plan Required	17-1
Section 17.04	Buffer Areas	17-1
Section 17.05	Parking Lot Landscaping and Screening	17-2
Section 17.06	Minimum Standards of Landscape Elements	17-2
Section 17.07	Installation, Maintenance And Completion	17-2
Section 17.08	Fencing and Walls Construction	17-3
Section 17.09	Waivers and Modifications	17-3
ARTICLE 18:	ENVIRONMENTAL STANDARDS	18-1
Section 18.01	Purpose	18-1
Section 18.02	Natural Resources	18-1
Section 18.03	Potable Water and Sewage Disposal	18-2
Section 18.04	Lighting	18-2
Section 18.05	Noise	18-3
Section 18.06	Vibration	18-3
Section 18.07	Glare and Heat	18-3
ARTICLE 19:	ACCESS PROVISIONS	19-1
Section 19.01	Purpose	19-1
Section 19.02	Lots to Have Access	19-1
Section 19.03	Curb Cuts and Driveways	19-1
Section 19.04	Clear Vision Zone	19-1
Section 19.05	Private Roads	19-2
Section 19.06	Shared Driveways	19-3
ARTICLE 20:	GENERAL PROVISIONS	20-1
<i>(TO BE FORTHCOMING)</i>		
ARTICLE 21: DEFINITIONS		21-1
Section 21.01	Construction Of Language	21-1
Section 21.02	Definitions	21-2

End of Table of Contents

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

Article 15
RESERVED for FUTURE USE

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Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

End of Article 15

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.

*Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003*

H. Barrier-Free Parking Spaces: Barrier-free parking spaces shall be provided in accordance with the most current standards and rules of the Michigan Department of Labor, Construction Code Commission, Barrier Free Design Division. Such spaces shall be placed in the most convenient locations to facilitate access into a building. Such spaces shall be clearly identified by both adequate paint striping and wall or post signs.

Section 16.03 Site Development Requirements for Off-Street Parking

All off-street parking areas, except for single family and two family dwellings, shall be designed, constructed and maintained in accordance with the following standards and requirements.

A. Marking and Designation: Parking areas shall be so designed and marked as to provide for orderly and safe movement and storage of vehicles.

B. Driveways: Adequate ingress and egress to the parking area by means of clearly limited and defined drives shall be provided. Two-way drives for ingress and egress to a parking area shall be not less than twenty-five (25) feet wide and all turning radii shall comfortably accommodate vehicle turning patterns. Each entrance to and exit from an off-street parking area shall be at least twenty-five (25) feet from any adjacent lot within a Residential District, and a minimum of ten (10) feet from all other lot lines.

C. Surface: All required off-street parking areas shall be paved with concrete, bituminous asphalt or similar material, approved by the site plan approval body. The site plan approval body may waive this requirement for special land uses in Conservation and Residential Districts upon its determination that such paving is not in character with the surrounding and intended land use pattern, and the lack of paving will not cause a nuisance to current and future residents. Paved parking spaces shall be marked with striping.

D. Drainage: All required off-street parking areas shall provide adequate surface drainage facilities to collect and properly manage storm water runoff. Off-street parking areas shall be drained so as to prevent direct drainage onto abutting properties and public streets.

E. Location/Setback:

1. Off-street parking areas shall be set back a minimum of twenty (20) feet from all property lines, and in no case shall an off-street parking area be in the required front yard setback for the principal building.
2. Off-street parking areas shall be designed and arranged to prohibit a parked vehicle from being closer than five (5) feet to a building, including any bumper overhang.

F. Lighting: All parking lot lighting shall comply with the applicable provisions of Section 18.04.

G. Parking Spaces and Maneuvering Lanes: Each parking space within an off-street parking area shall be provided with adequate access by means of maneuvering lanes. Backing directly onto a public road right-of-way shall be prohibited. The layout of off-street parking areas shall be in accord with the following minimum standards:

Parking Pattern	Maneuvering Lane Width	Parking Space Width	Parking Space Length
0° (Parallel)	10 ft.	9 ft.	23 ft.
30° to 53°	13 ft.	9 ft.	20 ft.
54° to 74°	18 ft.	9 ft.	20 ft.
75° to 90°	22 ft.	9 ft.	18 ft.

1. All maneuvering lane widths shall permit one-way traffic movement only, except for ninety (90) degree and parallel parking patterns which may provide for two-way traffic movement.
2. Where a parking space is curbed, the vehicle overhang off the curb may be credited as two (2) feet if adjacent to landscaping, or adjoining a sidewalk at least seven (7) feet wide.

H. Connections to Adjacent Parking Areas: Off-street parking areas in Commercial and Industrial Districts shall provide for direct vehicular access to existing or potential off-street parking areas on adjacent parcels, without the necessity for vehicles to enter onto nearby public roads, except where the site plan approving body determines such connection is not practical or beneficial as a public road access management measure.

I. Number of Spaces: See Section 16.04.

I. Landscaping and Screening: See Section 17.05.

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.

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

16. **Kennels:** One (1) space for each five (5) animals of the facility's capacity.
17. **Laundromat:** One (1) space for every three (3) washing or drying machines.
18. **Motels, Hotels, Auto Courts, Tourist Homes:** One (1) space for each sleeping unit, plus spaces for bars, restaurants, banquet rooms, and other associated facilities as determined by the Planning Commission.
19. **Offices, Business and Professional:** One (1) space for every one hundred fifty (150) square feet of useable floor area or, in the case of medical and dental clinics, three (3) spaces for each examining room, whichever is greater.
20. **Private Recreational Facilities:** One (1) space for every six (6) potential members based on the capacity of the facility as determined by the State Fire Marshall.
21. **Retail Stores, (except as otherwise specified herein):** One (1) space for every one hundred fifty (150) square feet of useable floor area.
22. **Restaurant, Standard:** One (1) space for every four (4) seats, plus an additional one (1) space for each 75 square feet of usable floor area.
23. **Restaurant, Drive-Through:** One (1) space for every four (4) seats, plus sufficient area for eight (8) stacking spaces for drive-in windows.
24. **Restaurant, Drive Through (no indoor eating facilities):** One (1) space for every 15 square feet of usable floor area except that a minimum of ten (10) spaces is provided.
25. **Restaurant, Carry-Out (no indoor eating facilities):** One (1) space for every fifteen (15) square feet of usable floor area, provided a minimum of five (5) spaces are provided.
26. **Supermarket, Self-Service Food Store:** One (1) space for every one-hundred (100) square feet of gross floor area, excluding walk-in refrigeration units.

D. Industrial Uses:

1. **Industrial or Manufacturing Establishments:** One (1) space for every employee of industry's largest working shift.
2. **Warehouses:** One (1) space for every fifteen-hundred (1,500) square feet of gross floor area.

E. Other 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. **Church, Synagogue, Chapel, Temple:** One (1) space for each three (3) seats or six (6) linear feet of pew or bench seating in the main unit of worship.
2. **Auditorium, Theater, Assembly Hall:** One (1) space for each three (3) seats or six (6) linear feet of bench seating, or one (1) space for each three (3) persons based on the occupancy load as established by the State Fire Marshall, which ever is greater.
3. **Private Civic, Fraternal Club or Lodge:** One (1) space for each three (3) members, based upon the load capacity as determined by the State Fire Marshall.
4. **Elementary and Middle Schools:** See requirements for auditoriums.
5. **High Schools:** One (1) space for each five (5) students (based on the capacity of the facility as determined by the Fire Marshall), plus one (1) space for every four (4) seats where the school contains an auditorium and/or stadium or gym.
6. **Hospital, Sanitarium, Nursing Facility, Home for the Aged:** One (1) space for each two (2) beds.
7. **Libraries, Museums, Post Offices:** One (1) space for every five hundred (500) square feet of floor area.
8. **Outdoor Recreation Not Otherwise Part of a School:**
 - a. **Golf Courses:** Five (5) spaces for each golf hole, except in the case of a par 3 course in which only three (3) spaces for each hold shall be required.
 - b. **Miniature Golf:** Two (2) spaces for each golf hole.
 - c. **Batting Cages:** (3) spaces per cage.
 - d. **Tennis/Racquetball Courts:** Six (6) spaces for each court.
9. **Outdoor Theaters and Other Outdoor Entertainment Facilities:** One (1) space for every four fixed seats and one (1) additional space for every five hundred (500) square feet available to accommodate additional attendees not otherwise restricted to a fixed seating area.
10. **Indoor Recreational Facilities:** One (1) space per two (2) patrons based on the maximum capacity of the facility as determined by the State Fire Marshall, plus six (6) spaces for each tennis or racquetball court.

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

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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Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

End of Article 16

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.

B. Front Yard Buffer Areas. The required front yard setback area for the principal building shall be reserved as a buffer area and shall be landscaped with a minimum of one (1) tree meeting the minimum size requirements specified in Section 17.04(A) above for each seventy-five (75) lineal feet, or portion thereof, of frontage adjoining the road right-of-way. The remainder of the front yard buffer area shall be landscaped with grass, shrubs, trees and/or other ground cover. Access ways from public rights-of-way through required buffer areas shall be permitted, but such access ways shall not be subtracted from the lineal dimension used to determine the minimum number of required trees.

Section 17.05 Parking Lot Landscaping and Screening

- A. Parking lots shall be landscaped and screened as follows:
1. There shall be provided a minimum of one (1) deciduous tree of at least two and a half (2 1/2) inch caliper for every eight (8) parking spaces. Such trees shall be located within parking islands or within fifteen (15) feet of the edge of the parking lot. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the edge of curbing and pavement.
 2. Where a parking lot contains six (6) or more parking spaces and is within two hundred (200) feet of a Conservation or Residential district, or is within view from a residence or public road, a berm, fence, wall and/or vegetative screen shall be installed to screen views to the parking area. All shrub materials shall be a height of at least three (3) feet at the time of their planting.

Section 17.06 Minimum Standards of Landscape Elements

A. Quality: Plant material and grasses shall be of generally acceptable varieties and species, free of insects and diseases, hardy to the climate, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections. Plant species which are generally considered undesirable due to limited disease tolerance, low wood strength, and/or high tendencies toward splitting of wood, such as boxelder, mulberry, and willows, are not permitted unless specifically authorized otherwise by the site plan approving body.

B. Composition: A mixture of plant material, such as evergreen and deciduous trees and shrubs, shall be required as a protective measure against insect and disease infestation. Plant materials shall be selected to ensure hardiness.

C. Existing Trees:

1. If existing plant material is labeled "To Remain" on site plans by the applicant or required by the site plan approval body, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material, shall be installed during construction. No vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such techniques are approved by the site plan approving body.
2. In the event that existing healthy trees which are used to meet the minimum requirements of this Ordinance, or those labeled to remain are cut down, destroyed, damaged, or excavated at the dripline, as determined by the site plan approving body, the applicant shall replace them with trees which meet Ordinance requirements.

Section 17.07 Installation, Maintenance And Completion

A. All landscaping required by this Ordinance shall be planted prior to obtaining a Certificate of Occupancy or, where the applicant can demonstrate to the site plan approving body that seasonal conditions prohibit the installation of the plant material prior to desired occupancy, the plant material shall be installed within six months of receipt of such Certificate.

B. All landscaping and landscape elements shall be planted, and earth moving or grading performed, in a sound workmanlike manner and according to accepted good planting and grading procedures.

C. All plant material shall be maintained in a healthy condition, and free of refuse and debris. All unhealthy and dead material shall be replaced within one (1) year of damage or death or the next appropriate planting period, whichever comes first.

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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Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

End of Article 17

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.

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

2. Flow Restrictions: The final grade surface of ground areas surrounding a building or structure shall be designed and landscaped such that surface waters flow away from the building or structure and are managed in a manner which avoids increased flow onto adjacent properties or public roads, the erosion or filling of a roadside ditch, the blockage of a public watercourse, or the creation of standing water over a private sewage disposal drainage field.
3. Drainage: All lots shall retain storm water runoff on-site, or detain it so as to allow discharge without any impact on adjacent lands, streams or water bodies above the existing pre-development runoff impact. No land use shall be permitted which will increase the rate of runoff discharge from a lot or parcel or otherwise cause erosion or direct sedimentation upon adjacent properties including an adjacent street. No land use shall be permitted which will reduce the level of service currently being provided by existing storm water management infrastructure or existing drainage patterns unless necessary improvements to such infrastructure or natural drainage pattern are first made.

Section 18.03 Potable Water and Sewage Disposal

Any building intended for human occupancy and used for dwelling, businesses, industrial, recreational, institutional, or mercantile purposes shall not be erected, altered, used or moved upon any premises unless said building shall be provided with a potable water supply and waste water disposal system that ensures a safe and effective means of collection, treatment, and disposal of generated wastes. All on-site sewage disposal and potable water facilities shall be constructed and maintained in accordance with the requirements and standards of the Saginaw County Public Health Department as well as those of other applicable local, county, state, or federal agencies.

Section 18.04 Lighting

- A. No lighting shall in any way impair the safe movement of traffic on any road.
- B. Lighting associated with a commercial, industrial, or other non-residential uses shall comply with the following:
 1. A wall, fence, or berm, at least five (5) feet in height shall be erected to prevent headlight glare from shining onto adjacent residential property. No wall/fence shall in any way impair safe vertical or horizontal sight distance for any moving vehicles.
 2. Lighting shall be designed and constructed to ensure that direct and reflected light is confined to the lot or parcel upon which the light source is located.
 3. Exterior lighting shall be so installed that the surface of the source of light shall be hooded or louvered to the greatest extent practical so that:
 - a. light sources shall not be visible from beyond the lot lines and shall be so arranged to reflect light away from adjacent properties.
 - b. no more than one foot candle power of light cross a lot line five (5) feet above the ground in a Residential District.
 4. No light source shall exceed the height of the tallest structure on the lot or parcel, and in no case shall a light source exceed a height of twenty-five feet, measured from the ground or pavement closest to the light source.
- C. Outdoor lighting which need not comply with the standards of (B) above shall be limited to:
 1. Outdoor recreation and amusement areas, and similar outdoor use of light, provided the lighting is designed with baffling and glare guards to ensure that no more than one foot candle power of light shall cross a lot line five (5) feet above the ground in a residential district, and such lighting is turned off during hours the facility is closed to the public.
 2. Neon lighting and other bare-bulb lighting associated with an approved sign.

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.

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

End of Article 18

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).

Section 19.05 Private Roads

A. Private Roads Permitted: Private roads are permitted in Birch Run Township provided such roads comply with the regulations and standards of this Ordinance.

B. Zoning Permits Required:

1. No private road, including a new private road or a private road existing on the effective date of this Ordinance, shall be constructed, extended, improved, or relocated after the effective date of this Ordinance unless a Zoning Permit has been issued for such construction by the Zoning Administrator, after approval of the Township Board.
2. No building or zoning permits shall be issued for any use, structure or building that relies upon a private road for access until such road has received final approval from the Township Board through the issuance of a zoning permit for the use of such road.

C. Application: Application for a private road shall require site plan approval according to Article 4. In addition to the data required by Article 4 for site plan approval, the following additional information shall be provided:

1. A general property development plan identifying the following:
 - a. Project description, in both narrative and map form, including the location of the proposed private road easement and approximate location of proposed land divisions to gain access from said private road.
 - b. The legal description of the proposed private road easement.
 - c. Construction plans and drawings illustrating the proposed design and construction features of the proposed private road and easement, including existing and proposed elevation contours within all areas to be disturbed or altered by construction of the private road. Proposed traffic control measures (including signs) and proposed road names shall also be indicated.
 - d. A signed statement by a civil engineer licensed in Michigan certifying that the plans and drawings for the private road, submitted for review, meet or exceed the provisions of the Birch Run Township Zoning Ordinance.
2. Road easement agreement signed by the applicant/owner(s) to be recorded with the Township Clerk and Saginaw County Register of Deeds providing for:
 - a. Easements to the public for purposes of emergency and other public vehicles, and easements for utilities.
 - b. A provision that the owners of any and all of the property using the road shall refrain from prohibiting, restricting, limiting or in any manner interfering with normal ingress and egress and use by any of the other owners. Normal ingress and egress and use shall include use by family, guests, invitees, vendors, tradesman, delivery persons, and others bound to or returning from any of the properties having a need to use the road.
 - c. A provision that substantially conforms to the following:

"This parcel of land has private road access across a permanent easement which is a matter of record and a part of the deed. This notice is to make Purchaser aware that this parcel of land has egress and ingress over this easement only. Neither Saginaw County nor Birch Run Township has any responsibility for maintenance or upkeep of any improvement across this easement, except as may be provided by an established special assessment district. Maintenance is the responsibility of the owners of record. The United States mail service and the local school district are not required to traverse this private improvement and may provide service only to the closest public access. (Michigan P.A. 134 of 1972, as amended.)"
 - d. Draft road 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 initiating and financing of such road in order to keep the road up to properly engineered specifications and free of snow or debris.
 - 2) A workable method of apportioning the costs of maintenance and improvements to current and future uses.
 - 3) A notice that if repairs and maintenance are not made, the Township Board may perform the necessary repairs and maintenance, and bring the road up to established County Road Commission standards, and assess owners of parcels on the private road for the improvements, plus administrative fees.
 - 4) A statement both in letter form and on the development plan specifying that the proposed development shall be subject to the establishment of a special assessment district by the Township Board, as provided by law, to ensure continued and adequate maintenance of the road in the event the necessary maintenance is not undertaken by the property owners that are served by such road, and that no public funds of the Township shall be used to build, repair, or maintain the private road except through such an assessment district.

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.

Birch Run Township Zoning Ordinance
DRAFT: November 20, 2003

2. Review: The approving body for an application for a shared driveway shall be the Zoning Administrator. The Zoning Administrator shall forward all relevant application materials for review and comment to the Fire Chief and Township Attorney and, where the Zoning Administrator considers necessary, to the Township Engineer.
3. Action: Upon a finding that the application materials conform to the requirements and standards of this Section and Ordinance, the Zoning Administrator shall approve, or approve with conditions, the application. No approval shall be granted until the Zoning Administrator has received copies of the approved shared driveway easement agreement and maintenance agreement recorded with the Saginaw County Register of Deeds.

C. Standards: Shared driveways shall comply with the following standards in addition to all other applicable standards of this Ordinance:

1. The shared driveway surface shall be a uniform minimum twelve (12) feet wide, measured edge to edge, with segments twenty (20) feet wide and forty (40) feet long, every three hundred (300) feet, to accommodate passing vehicles.
2. Shared driveways shall not serve more than three (3) dwelling units.
3. All addresses served by the shared driveway shall be clearly marked at its point of intersection with a road, and such addresses shall also be clearly marked at any location a single driveway splits from the shared driveway.
4. No shared driveway shall be posted with a name.

Figure 19.04-1
Clear Vision Area Along Road Intersections

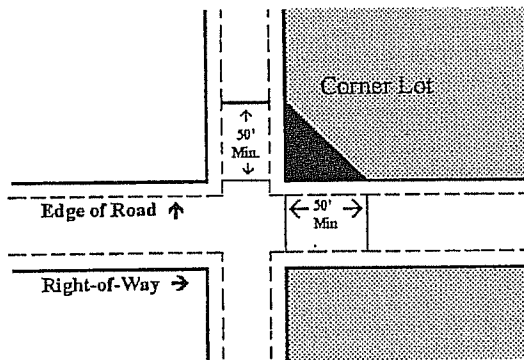
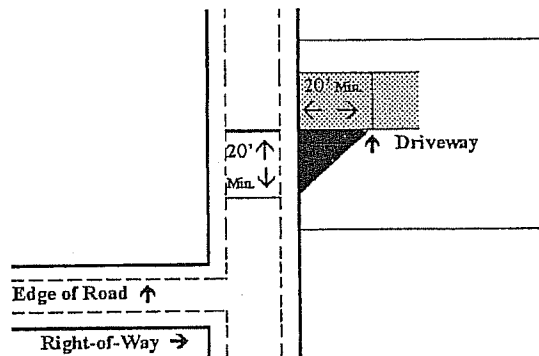


Figure 19.04-2
Clear Vision Area for Driveways



End of Article 19