

# Landscaping and Park Ordinance - Aurelius Township, MI - 2008

## ARTICLE VII. LANDSCAPING AND BUFFERING

### **Sec. 16-685. Intent.**

The purpose of this article is to establish landscaping requirements in the development D district to enhance the community's ecological, environmental and aesthetic qualities. It is the intent of this article to reduce the negative effects of glare, noise, erosion, and sedimentation caused by expanses of impervious and other surfaces which are without vegetation which can occur with development. It is the intent of this article to preserve and improve the natural and suburban environment by recognizing that the use of landscaping elements can contribute to the processes of air and water purification, groundwater recharge, noise abatement, glare and heat, provision of habitats for wildlife, and enhance the overall beauty of the township. Landscaping shall be considered as the organization of outdoor space and shall be treated as a design element as important as building placement and vehicular circulation.

(Ord. No. 39, art. 12, § 12.1, 2-12-2002)

### **Sec. 16-686. Purpose.**

The landscape plan shall be designed to achieve the following purposes to:

- (1) Integrate the various elements of the site,
- (2) Preserve and enhance the site,
- (3) Improve and enhance the character of the site, to screen or filter views, where necessary, to help unify the various parts of the site, blend inharmonious land uses, and buffer incompatible uses,
- (4) Control soil erosion, moderate harsh or unpleasant sounds, remove air pollutants, control glare and reflection, and slow the effects of erosive winds or water and promote stormwater retention, thereby helping to prevent flooding, and to block, divert, or channel winds.

(Ord. No. 39, art. 12, § 12.2, 2-12-2002)

### **Sec. 16-687. Landscape installation required.**

A minimum of 20 percent of the total land area in any proposed development or construction project which occurs for any use in the development district (D) and for any residential development proposing more than four new housing units after the effective date of the ordinance from which this chapter is derived shall have a green, vegetative cover which may be either new or existing plant material including natural open space or a combination of the two. See section 16-689. This 20 percent requirement shall apply to each phase as it is developed if development occurs in phases.

(Ord. No. 39, art. 12, § 12.3, 2-12-2002)

### **Sec. 16-688. Landscape plan required.**

A landscaping plan shall be submitted to the township for approval as a part of the site plan and subdivision design. The landscape plan shall contain the following information:

- (1) Existing and proposed topography, by contours with an interval of no greater than two feet, correlated with the grading plan,

- (2) Location, type and size of existing plant material and the proposed means of protecting the plant material during construction,
  - (3) Location of proposed plant materials, a planting list of proposed materials showing sizes, height, quantity, botanical and common names, spacing and root type, bare root or balled and burlapped,
  - (4) Location of all proposed improvements, as shown on the site plan,
  - (5) Sections, elevations, plans, and details of landscape elements such as berms, walls, ponds, retaining walls, and tree wells,
  - (6) Proposed planting dates,
  - (7) Irrigation system plan, if included, for watering landscaped areas,
  - (8) Planting and staking details in text or graphic form,
  - (9) Description of maintenance provisions of the landscaping plan,
  - (10) The name of the registered landscape architect responsible for the preparation of the landscape plan.
- (Ord. No. 39, art. 12, § 12.4, 2-12-2002)

**Sec. 16-689. Existing plant material.**

Healthy plant materials existing on a site prior to its development shall be incorporated into the landscape plan. The planning commission may require the saving of significant existing plant materials based upon their determination that a reasonable layout is possible incorporating those materials. Significant materials shall be defined as those not readily replaced by virtue of their size, species, variety, shape, or location, and may include significant wildlife habitats. For existing plant material to be saved, the planning commission may require that approval of the township's consulting landscape architect be obtained before any limb removal, root pruning, or other work is done.

(Ord. No. 39, art. 12, § 12.5, 2-12-2002)

**Sec. 16-690. Locational criteria.**

The following locational criteria shall apply to the landscaping provided:

- (1) Not less than 40 percent of the total landscaping shall be located in the designated front yard.
- (2) Developments in the d development zoning district which abut districts zoned for residential uses shall provide a minimum ten-foot wide buffer zone which may consist of plant material, berms, screen walls, screen fencing, or a combination of plantings and landscape elements. The materials shall be designed to effectively reduce the negative effects between incompatible land uses while incorporating existing plant material.
- (3) Greenbelts are required in all landscape plans for areas abutting a public thoroughfare. Greenbelts are to be constructed outside of the public right-of-way and shall be installed so as not to interfere with traffic view or impose a safety hazard. Greenbelts shall contain one tree and five shrubs for each 50 lineal feet of frontage, or fraction thereof, on a public thoroughfare. Plantings shall be spaced and located to incorporate existing plant material and to provide a safe and aesthetically pleasing arrangement for both the subject property and the public. Planting locations should promote the full development of the species without overcrowding.

(Ord. No. 39, art. 12, § 12.6, 2-12-2002)

**Sec. 16-691. Plant materials.**

(a) *Installation.* Plant materials shall be installed in a sound, workman like manner, and according to acceptable planting procedures. All plant material shall be maintained in a healthy and growing state. All landscape elements such as, but not limited to, fences,

screens, walls, or lighting shall be kept in good repair. All landscaped areas shall be maintained by pruning, trimming, weeding, clearing of undergrowth, fertilizing, and watering at intervals necessary to promote optimum growth and health.

(b) *Maintenance.* All plant material shall be maintained in a healthy and growing condition as is appropriate for the season of the year. Materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced within one year, or the next planting period, whichever occurs first. Replacement materials shall meet all design standards of the original installation. All landscaped areas shall be provided with a readily available and acceptable water supply. Newly planted materials shall be regularly watered until established. The property owner, tenant, and their agent, if any, and any homeowners' or condominium association, if any shall be jointly and severally responsible for maintenance of landscaped areas. **Trees** shall be maintained such that limbs over roadways will be at least 13 feet above the elevation of the street surface.

(c) *Plant material standards.* Plant and grass materials shall be of acceptable varieties and species, hardy in the county, and shall conform to the current minimum standards of the American Association of Nurserymen, and shall have passed any inspections required under state and federal regulations. The use of native landscaping materials is encouraged whenever possible, especially the use of native grasses whose extensive root system provides additional stability and filtering benefits. No plant material used to satisfy the requirements of this article shall be made of "nonliving" material.

(1) Deciduous **tree** species shall be a minimum of ten feet overall height or a minimum caliper of two inches at planting.

(2) Evergreen **trees** shall be a minimum of six feet high with a minimum spread of three feet and a burlapped ball size at least ten times the caliper at planting.

(3) Shrubs, both evergreen and deciduous, shall be a minimum of two feet high, measured at planting or two feet in spread if the plants are low growing, spreading evergreens.

(4) Ground covers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.

(Ord. No. 39, art. 12, § 12.7, 2-12-2002)

### **Sec. 16-692. Landscaped elements.**

Landscape elements shall meet the following standards:

(1) *Berms.* Berms shall be constructed with slopes no greater than one foot in height, vertical for every three feet in width, horizontal, with at least a two-foot wide general flat top. Adequate protection against soil erosion shall be provided. Berms shall be designed and constructed to appear as natural features in the landscape in the vicinity. Uniform heights and shapes should be avoided. If a slope greater than one, vertical, on three, horizontal, is necessary, the surface shall be planted with a ground cover that is suitable for stabilizing the surface.

(2) *Walls and fences.* Walls shall be constructed of stone, brick, or similar materials. Fences for landscaping purposes shall be constructed of wood. Chain link or other metal fences shall not be used for landscaping purposes. Walls and landscape fences shall be correlated with buildings, in terms of design and materials, and with the character of the site.

(3) *Paving materials for walks, drives and parking.* Paving materials shall be installed in a manner that will either contrast with or complement the other landscape elements and plant materials.

(Ord. No. 39, art. 12, § 12.8, 2-12-2002)

### **Sec. 16-693. Landscaping of parking lots.**

It is the intent of this section to encourage design and construction of parking areas in a manner whereby areas within and adjacent to the parking lot are landscaped. The following minimum requirements shall be observed:

(1) A minimum of ten percent of the gross parking area shall be devoted to living plant material. Gross parking area shall be measured from the edge of the parking and/or driveway paving and shall include sidewalks. In addition, a buffer strip at least two feet in width shall be provided directly adjacent to the edge of all paved areas including sidewalks.

(2) Interior areas of parking lots shall contain landscaped areas located both to relieve the expanse of paving and most effectively provide filtering opportunities for stormwater based on the following criteria:

a. The location of canopy **trees** and landscape material shall be designed so that they are reasonably dispersed throughout the parking area to screen large expanses of impervious surfaces from adjacent properties and from the public street, to provide for effective and efficient site maintenance, and to not impede vehicular and pedestrian circulation within the site.

b. Landscaping shall be installed in such manner that when mature, the material will not obstruct traffic signs, fire hydrants, lighting, drainage patterns, or vision for reasons of safety, ingress or egress.

c. For large, existing **trees** located in the parking area, which are being retained and incorporated into the landscape plan, an appropriate aeration system or an alternative method of protecting the **tree** must be provided and detailed in the landscape plan.

(Ord. No. 39, art. 12, § 12.9, 2-12-2002)

### **Sec. 16-694. Certificate of occupancy.**

(a) All landscaping shall be completed and installed in accordance with the approved landscape plan within six months of a certificate of occupancy being granted. If the developer cannot install the landscaping required within the six-month period they must provide documentation stating the reason for the delay and a schedule indicating when installation will occur. The township may require a financial guarantee of a sufficient amount to ensure the proper installation of all required landscaping materials and elements.

(b) If these requirements have not been satisfied within the six-month period, from when the certificate of occupancy is issued, the property owner shall be considered in violation of the zoning ordinance and shall be subject to the penalties established in this chapter.

(Ord. No. 39, art. 12, § 12.10, 2-12-2002)

### **Sec. 16-695. Waiver of screen requirements.**

Should the township inspection determine that adequate existing screen on site already exists or that such landscape screening shall not be required, the applicable zoning ordinance provisions may be waived by the township planning commission in whole or in part. Criteria considered in such waiver shall include, but not be limited to:

- (1) Topography.
- (2) Existing on site vegetation.
- (3) Existing and/or proposed building location.
- (4) Sight distances.
- (5) Adjacent land uses.

(6) Existing floodplain, wetland, and/or soil conditions.  
(Ord. No. 39, art. 12, § 12.11, 2-12-2002)  
Secs. 16-696--16-724. Reserved.

## ARTICLE II. PARK REGULATIONS

Sec. 12-31. Area designated.

The following areas within the township are hereby designated as park and recreation areas:

(1) Columbia Creek Park, Curtice Road, described as:

E 1/2 of W 1/2 of SE 1/4 of sec 7 exc beg @ SW cor thereof -E 400 feet -N 142 feet -W 400 feet -S 142 feet to POB. also exc beg @ PT on EW 1/4 line -N89D 28 feet 34 inches W 1324.07 feet FM E 1/4 cor of sec 7 -S0D0 4 feet 10 inches E 1529.59 feet -N89D 28 feet 34 inches W 661.5 feet -N0D0 5 feet 23 inches W 1529.59 feet -S89D 28 feet 34 inches E 662.04 feet to POB. sec 7, T2NR2W, 15.48 A M/L.

Com at SW cor of E 1/2 of W 1/2 of SE 1/4 -E 400 feet -N 142 feet -W 400 feet -S 142 feet to beg. sec 7, T2NR2W, 1.3 A M/L.

(2) Glenna Droscha Park, Aurelius Road, described as:

Beg at a point 165 feet E of SW cor sec 26 N 297 feet E 82.5 feet N 709.5 feet W 247.5 feet N 848.5 feet E 200 feet N 125 feet E 460 feet S 1320 feet W 330 feet S 660 feet W 165 feet to POB. sec 26, T2NR2W, 19.5 A.

(Ord. No. 18.01, § 1, 7-8-2003)

Sec. 12-32. Dates and hours of operation.

Glenna Droscha Park shall be open for use by the public year around. Columbia Creek Park shall be open for use by the public from Memorial Day through Labor Day of each year between sunrise and sunset; provided, however, that such area shall remain open for camping activities with the consent of the board of trustees, and pursuant thereto a written authorization signed by the supervisor or clerk, setting forth the date that each camping activity is authorized, shall be in the possession of the campers.

(Ord. No. 18.01, § 2, 7-8-2003; Ord. of 2-14-2006)

**State law references:** Trespass, MCL 750.552.

Sec. 12-33. Conduct on park property.

(a) No person shall willfully disturb, destroy, deface, alter, change, or remove any part of any park facility, building, sign, structure, equipment, utility of any other property found in this article.

**State law references:** Willful and malicious destruction of property, MCL 750.377a.

(b) No person shall cut, remove, dig, injure, pick, damage, deface or destroy any tree, flower, shrub or plant, whether alive or dead, from within the parks without written permission from the township board.

**State law references:** Willful trespass by cutting or destroying property, MCL 750.546

(c) No person shall hunt, trap, bait, pursue, injure, kill or in any manner disturb any bird or animal on any land or waters without written permission from the township board.

(d) No person shall build a fire except in grills or fire rings provided for such purpose. Firewood may not be collected within the park area.

(e) No person shall have in their possession or control any firearm, shotgun, pistol, air rifle, bow and arrow, cross bow, sling shot or any other dangerous weapon except upon prior consent of the township board; provided, however, that this rule does not apply to any law enforcement officer.

(f) No person shall have in their possession or control any fireworks or explosives within the park area.

(g) No person shall have in their possession or be under the influence of any alcoholic beverage, or be under the influence of or possess any controlled substance as defined in article 7 of Public Act No. 368 of 1978 (MCL 333.7101 et seq.).

(h) No person shall engage in disorderly conduct as violent, abusive, loud, vulgar, obscene language or action which could tend to provoke an immediate breach of the peace.

**State law references:** Disorderly conduct, MCL 750.167.

(i) No person shall make an immoral exhibition or indecent exposure of his or her person.

**State law references:** Indecent exposure, MCL 750.335a.

(j) No person shall use or operate any radio receiving set, musical instrument, television or other machine or device that produces or reproduces sound in such a manner that it is audible in any direction at a distance in excess of 100 feet.

(k) No person shall obstruct, resist, hinder or oppose any police officer, sheriff's deputy or peace officer or employee of the township in the discharge of his duties as such.

**State law references:** Resisting or obstructing officer, MCL 750.479.

(Ord. No. 18.01, § 3, 7-8-2003)

**State law references:** Michigan penal code, MCL 750.1 et seq.

#### Sec. 12-34. Motor vehicles.

(a) Reserved.

(b) All motor driven vehicles shall be operated on park roadways or parking lots only and shall not be in any other area of the park wherein such use is not permitted.

(c) All motorized vehicles speed within the parks shall be limited to 15 miles per hour. (Ord. No. 18.01, § 4, 7-8-2003; Ord. of 2-14-2006)

**State law references:** Michigan vehicle code, MCL 257.1 et seq.

#### Sec. 12-35. Litter.

(a) It shall be unlawful for any person knowingly, without the consent of the township board, to dump, deposit, place, throw or leave or cause or permit the dumping, depositing, placing, throwing, or leaving of litter on any public property except in receptacle specifically designed for such purpose.

(b) Only litter generated on site shall be left in the receptacles provided.

(c) In this article, the term "litter" shall mean all rubbish, refuse, waste material, garbage, offal, paper, glass, cans, bottles, trash, debris, or other forms and substance of every kind and description.

(Ord. No. 18.01, § 5, 7-8-2003; Ord. of 2-14-2006)

**State law references:** Littering, MCL 324.8901 et seq.

#### Sec. 12-36. Animal control.

(a) Dogs or other pets shall be permitted within the park area except that dogs or other pets are not permitted in park buildings or shelters or in the waters of the parks or within 15 feet of the waterways. Guide or leader dogs for blind persons, hearing dogs for deaf or audibly impaired persons or service dogs for physically limited persons are permitted in all areas. Such dogs and other pets shall be kept on a leash not over six feet in length and kept under the immediate control of the responsible person, and shall not be allowed to disturb or annoy park visitors.

(b) The person who owns or is in charge of any animal shall immediately remove all droppings deposited by such animal by any sanitary method. The droppings shall be disposed of by the person owning or in charge of such animal on the property of the person owning or in charge of such animal. The owner of any guide, hearing or service dog is exempt from the requirements of this subsection.

(Ord. No. 18.01, § 6, 7-8-2003)

#### Sec. 12-37. Penalties.

(a) Any person violating any provision in this article shall be guilty of a misdemeanor.

(b) Any person violating the provisions of the Michigan vehicle code (MCL 257.1 et seq.) shall be subject to the fines and penalties set forth in that code.

(c) Persons violating any of the provisions enumerated in this article may also be evicted from such park or park land upon the day of the offense.

(d) As to any person convicted of the violation of the provisions of this article relating to prohibition of litter, the court, in lieu of any other sentence imposed, may direct the substitution of litter-gathering labor, including but not limited to the litter connected with the particular violation under supervision of such court.

(Ord. No. 18.01, § 7, 7-8-2003)