

Village of Fowler Shade Tree Code - as of 10/14 -

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CHAPTER 130: MISCELLANEOUS OFFENSES

130.02 INJURY OF SHADE TREES PROHIBITED.

(A) TREE or SHRUB. Any tree or shrub belonging to the village, or any tree or shrub located on public property, or any tree or shrub located within the public right-of-way.

(B) No person shall break, injure, mutilate, kill or destroy any tree or shrub, or set any fire within 25 feet of any tree, or permit any fire or the heat therefrom to injure any portion of any tree. No toxic chemicals or other injurious materials shall be allowed to seep, drain or be emptied on or near any tree.

(C) No excavations or driveways shall be placed within five feet of an existing tree so as to damage the tree during construction without first obtaining the permission of the Village Superintendent.

(Ord. 5, passed 9-14-81) Penalty, see § 10.99

Chapter 13 LANDSCAPING AND DESIGN REQUIREMENTS

SECTION 13.1 INTENT

It is the intent of this Chapter to require buffer zones, landscaping, and screening to reduce the negative impacts between incompatible land uses and to provide landscaping within parking areas. It is further intended to preserve and enhance the aesthetic qualities, character, privacy, and environment of the Village.

SECTION 13.2 REQUIRED BUFFER ZONES

- A. A buffer shall be required on any parcel proposed for development which borders a different zone district, as indicated in 13.2, E. Where the adjacent zone district is more intensive, the required buffer shall be installed only on the property which is in the more intensive district.
- B. The specified buffer shall be required on the subject parcel even if the adjacent parcel is unimproved land. A performance bond may be submitted in lieu of the required buffer where adjacent land is unimproved. The buffer shall be installed when the adjacent property begins development and completed prior to any occupancy of the adjoining use.
- C. When any developed parcel existing as of the date of this Ordinance, or as amended, is changed to a less restrictive zone district, any required buffer shall be installed in compliance with this Section within six (6) months of the effective date of the rezoning. This provision shall not apply to rezonings initiated by the Village.
- D. If two (2) zoning districts requiring a buffer zone are separated by a street, the design of the required buffer zone shall be reduced by one (1) level; for example, a required Major Buffer shall be reduced to a Moderate Buffer. Notwithstanding the foregoing, the minimum buffer installed shall be a Minor Buffer, unless a buffer would otherwise not be required by E, below.
- E. The following chart defines the required buffers between adjacent zone districts:

BUFFER ZONE	ADJACENT DISTRICT				
	R-1	R-2	C-1	C-2	I
R-1	NR		Moderate		Major
R-2	NR		Minor		Major
C-1	Moderate	Minor	NR	Minor	Major
C-2	Moderate	Minor		NR	Moderate
I	Major			Moderate	NR

NR = None Required

F. Buffer Zone Development Standards

1. Required buffer zones shall comply with and be maintained to the following standards:

Buffer Requirements	Major	Moderate	Minor
Minimum width	30 feet	20 feet	10 feet
Equivalent of 2 rows of approved canopy trees staggered at a maximum of:	20 foot interval		30 foot interval
6 foot high continuous obscuring screen	Required		

2. If the adjacent district is located across a street and across a required front yard, then the buffer shall be placed at a point that is between the side yard and front yard, parallel to the street right-of-way.
3. The required six (6) foot high continuous obscuring screen may be comprised of plant material, berming, screen walls or fences, or any combination of these elements in addition to the required plant materials.
4. If berming is used for all or part of the obscuring screen, all required plant materials shall be placed on the top and both sides of the slope. Where necessary the minimum buffer width shall be increased to accommodate side slopes of a maximum of three (3) feet in width to one (1) foot in height.
5. If a screen wall or fence is used for all or part of the obscuring screen the equivalent of four (4) shrubs is required per twenty (20) linear feet on each side of the wall or fence, unless the wall or fence is constructed on the property line, in which case all required plantings may be placed on the interior of the lot.
6. The balance of the required buffer shall be covered with grass or approved ground cover in accordance with this Section.
7. Any plant material, berm, obscuring screen or other landscape feature shall be installed in such a manner so as not to alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
8. Should the Village Council (or Zoning Administrator when Village Council action is not required) determine, upon inspection, that adequate landscaping screening on a site already exists or that a landscaping screen is not required, the Council or Zoning Administrator may waive or reduce the requirements of this Section. Criteria which shall be used when considering a waiver or reduction shall include, but shall not be limited to:
 - a. Topography variations.
 - b. Existence of natural vegetation.
 - c. Existing and proposed building placement.
 - d. Sight distances.
 - e. Adjacent land uses.
 - f. Existence of floodplain and areas of poor soils.

SECTION 13.3 GENERAL LANDSCAPE DEVELOPMENT STANDARDS

A. Minimum Plant Material Standards:

1. Landscaping may include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters.
2. All plant materials shall be certified to be hardy to Clinton County, free of disease and insects and conform to the standards of the American Association of Nurserymen. All landscaping shall be maintained in a healthy, neat and orderly state, free from refuse and debris. Any dead or diseased plants shall be replaced.
3. Minimum plant sizes at time of installation:

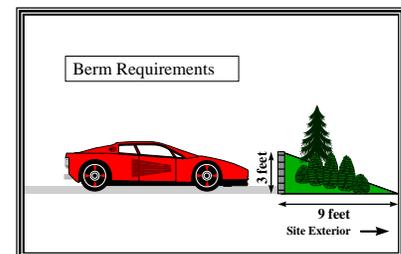
Tree Type	Minimum Size at Planting
Deciduous Canopy Tree	2 ½ inch caliper
Deciduous Ornamental Tree	2 inch caliper
Evergreen Tree	6 foot height
Deciduous Shrub	2 foot height
Upright Evergreen Shrub	2 foot height
Spreading Evergreen Shrub	18 - 24 inch spread

4. Calipers are measured at six (6) inches above the ground, for calipers of four (4) inches or less, and measured at twelve (12) inches above the ground for calipers of greater than four (4) inches. Tree and shrub heights are measured from the ground to the highest point where branches of the bush or tree begin.
5. Plant materials shall not consist or more than thirty-three percent (33%) of any one (1) plant species.
6. The following trees are not permitted as they split easily; their wood is brittle and breaks easily; their roots clog drains and sewers; and they are unusually susceptible to disease or insect pests:

- | | |
|--------------|----------------|
| Alder | Elm, Siberian |
| Birch, paper | Maple, Silver |
| Black Locust | Mulberry |
| Box Elder | Poplars |
| Buckthorn | Tree of Heaven |
| Catalpa | Willows |
| Cottonwood | |

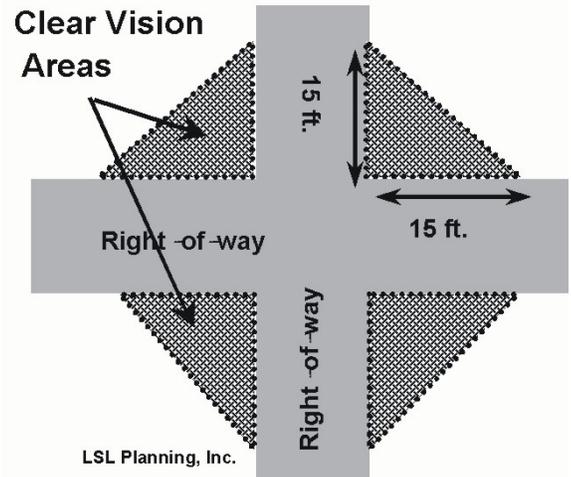
B. Minimum Standards for Berms:

1. Berms shall maintain a side slope not to exceed a one (1) foot rise to a three (3) foot in width ratio.
2. Berm areas not containing planting beds shall be covered with grass or living ground cover maintained in a healthy growing condition.



3. If a berm is constructed with a retaining wall or by terracing, the earthen slope shall face the exterior of the site.
- C. **Minimum Standards for Obscuring Screen Walls and Fences:**
1. All obscuring screen walls and fences shall be constructed with new, durable, weather resistant and easily maintained materials. Chain link and barbed wire fences are not permitted.
 2. The obscuring screen wall or fence may be constructed with openings that do not exceed twenty percent (20%) of the wall surface. The openings shall not reduce the intended obscuring effect of the wall.
- D. **Retention Areas:** Detention/retention areas shall be permitted within buffer zones provided they do not hamper the screening intent of the buffer or jeopardize the survival of the plant materials.
- E. **Dumpsters:** Outdoor solid waste dumpsters shall be screened by a continuous opaque screen at least six (6) feet high. The screen may be comprised of berming, plant material, screen walls or fences or any combination of these elements. Dumpsters may be installed within buffer zones. If walls or fences are used, some additional landscaping should be used to improve the aesthetic look. Enclosure doors to the dumpsters should remain in the shut position when not necessary for immediate access.
- F. **Phases:** If a project is constructed in phases, the landscape screen may also be constructed in phases. The Zoning Administrator shall determine the extent of landscaping required for each phase based on:
1. Adjacent land uses.
 2. Distance between land uses.
 3. Operational characteristic both on and off site.
 4. Building heights.
 5. Physical characteristics of the site such as topography, existing vegetation, etc.
- G. **Performance Guarantee:** If weather conditions or other factors determined by the Zoning Administrator are sufficient enough to warrant a delay in installing landscaping, a performance guarantee of a sufficient amount to insure the installation of all required landscaping shall be required in compliance with the requirements of this Ordinance to ensure that landscaping is installed within a reasonable period of time.
- H. **Landscape Plan:** A landscape plan shall be submitted for any new development and for any changes to existing development, except as may be noted in this Chapter. The following minimum information shall be provided:
1. Existing and proposed topography, correlated with the grading plan.
 2. Location, size, type, and condition of existing plant materials to be saved, or moved; proposed means of protecting plant material during construction.
 3. Location of proposed planting materials; a planting list of proposed materials (size, quantity, botanical and common names, spacing, and root type).
 4. Sections, elevations, plans and details of landscape elements such as berms, walls, ponds, retaining walls, and tree wells.

5. Proposed planting dates.
 6. Planting and staking details.
- I. **Public right-of-way:** No landscaping, other than lawn, shall be provided or extend into a public right-of-way without specific written approval from the Zoning Administrator, or as may be approved by the Planning Commission or Village Council as part of other approvals.
- J. **Clear Vision Areas**
1. No plantings shall be established or maintained on any lot which will obstruct the view of a vehicle driver approaching a street intersection. There shall be maintained an unobstructed triangular area formed by the street property lines and a line connecting them at points fifteen (15) feet from the intersection of the street lines. This shall not prohibit the planting or landscaping which will be less than three (3) feet in height at maturity and maintained at that height or lower.
 2. No vegetation shall be maintained in any yard which in the opinion of the Zoning Administrator, will obstruct the view of vehicles entering and / or leaving a site from driveways or adjacent roadways.



SECTION 13.4 ADDITIONAL LANDSCAPING AND SCREENING

- A. Where deemed appropriate by the Village Council, Planning Commission or Zoning Administrator where screening is needed to minimize visual, noise, or other impacts from the proposed development or where there may be some other adverse effect caused by the use being reviewed, or where otherwise required by this Ordinance, additional landscaping or screening may be required. Such adverse effect may include, but shall not be limited to, noise, lighting, hazard, traffic conflict, or other such effect.
- B. The nature of such landscaping or screening shall be that required by Section 13.2. The Village Council, Planning Commission or Zoning Administrator may designate which buffer is appropriate for the required landscaping or screening.
- C. All other provisions of this Chapter shall be met.
- D. Landscaping in parking areas is governed by the provisions of Chapter 14.

SECTION 13.5 RESIDENTIAL LANDSCAPING

- A. Any site on which a use permitted by this Ordinance is established shall install a lawn for all land areas not covered by impervious surfaces within six (6) months following the issuance of a certificate of occupancy.

- B. A performance guarantee may be required by the Village to ensure that landscaping is installed within the six (6) month period. No landscape materials other than lawn and street trees approved by the Zoning Administrator shall be planted within any untraveled portion of a public road right-of-way or public easement for public utilities.
- C. Residential landscaping shall comply with the applicable provisions of this Chapter.

SECTION 13.6 DESIGN REQUIREMENTS

- A. Exterior Building Design
 - 1. Buildings with exterior walls greater than fifty (50) feet in horizontal length shall be constructed using a combination of architectural features and a variety of building materials and landscaping near the walls.
 - a. Walls which can be viewed from public streets shall be designed using architectural features and landscaping (abutting the building) for at least thirty percent (30%) of the wall length.
 - b. Other walls shall incorporate architectural features and landscaping for at least twenty percent (20%) of the wall length.
 - c. Window areas shall cover fifteen percent (15%) or more of the exterior wall area facing the principal street(s) from which access is gained.
 - 2. Architectural Features
 - a. Architectural features include, but are not limited to the following: recesses, projections, wall insets, arcades, window display areas, awnings, balconies, window projections, landscape structures or other features that complement the design intent of the structure and are acceptable to the review authority.
 - b. In addition, a portion of the on-site landscaping shall abut the walls so that the vegetation combined with the architectural features significantly reduce the visual impact of the building mass as viewed from the street. Additional landscaping requirements of this Ordinance must also be satisfied.
 - 3. Building Materials
 - a. The predominant building materials should be materials that are characteristic of Michigan such as brick, decorative tilt-up panels, wood, native stone and tinted/textured concrete masonry units and/or glass products.
 - b. Other materials such as smooth-faced concrete block, undecorated tilt-up concrete panels, or pre-fabricated steel panels should only be used as accents and not dominate the building exterior of the structure.
 - c. Metal roofs may be allowed if compatible with the overall architectural design of the building.
 - 4. Roof Design

- a. Roofs should be designed to reduce the apparent exterior mass of a building, add visual interest and be appropriate to the architectural style of the building.
 - b. Architectural methods shall be used to conceal flat roof tops.
 - c. Overhanging eaves, sloped roofs and multiple roof elements are highly encouraged.
5. Customer Entrances: Clearly defined, highly visible customer entrances using features such as canopies, porticos, arcades, arches, wing walls, and integral planters are highly encouraged.
- B. Community Amenities: Community amenities such as patio/seating areas, water features, art work or sculpture, clock towers, pedestrian plazas with park benches or other features located adjacent to the primary entrance to the building(s) are highly encouraged and may be calculated as part of the landscaping requirement.
- C. Building and Sign Colors: Exterior colors shall be of low reflectance, subtle, neutral or earth tone colors. The use of high intensity colors such as black, neon, metallic or fluorescent for the facade and/or roof of the building are prohibited except as approved for building trim. The use of trademark colors will require approval.
- D. Lighting and Flag Poles
1. On site lighting shall be shielded with cut-off fixtures that direct light downward and onto the site and not shine or glare onto adjacent property or streets.
 2. Lighting shall not be attached to buildings or other structures that permit light to be directed horizontally.
- E. Natural Features: Buildings shall be sited to protect existing natural areas such as steep natural grades, trees, significant groupings of healthy vegetation (shrubs and trees) and rock outcroppings. These areas are encouraged to be incorporated into the overall site plan and may be calculated as part of the landscaping requirement if healthy and not damaged during construction.
- F. Building Location and Orientation: New buildings shall have at least one principal building entrance oriented toward the front lot line.
- G. Pedestrian Walkways
1. Walkways From the Sidewalk To Building Entrances
 - a. A continuous pedestrian walkway shall be provided from any adjacent street sidewalk for pedestrians to access building entrances.
 - b. This internal walkway shall incorporate a mix of landscaping, benches, and bicycle facilities for at least fifty percent (50%) of the length of the walkway.
 - c. Walkways shall be connected to adjacent sites wherever practicable.
 2. Walkways From Parking Areas To Building Entrances
 - a. Internal pedestrian walkways shall be developed for persons who need access to the building(s) from internal parking areas. The walkways shall

- be located within the parking areas and shall be designed to provide access from these areas to the entrances of the building(s).
- b. The walkways shall be designed to separate people from moving vehicles as much as possible.
 - c. These walkways shall have a minimum width of five (5) feet with no vehicle overhang or other obstruction.
 - d. The walkways must be designed for disabled access according to the adopted Building Code for the Village of Fowler.
 - e. The walkways shall be distinguished from the parking and driving areas by use of any of the following materials: special pavers, bricks, raised elevation or scored concrete. Other materials may be used if they are appropriate to the overall design of the site and building and acceptable to the review authority.
- H. Mechanical Equipment and Service Areas: Mechanical equipment and service areas shall be visually screened from adjacent properties, public roadways, parks, or other public areas. The architectural design of the building shall incorporate design features which screen, contain and conceal all heating, ventilation, air conditioning units, trash enclosures, dumpsters, loading docks and service yards.
- I. Parking Lot Landscaping: This Section is applicable to parking lots serving any nonresidential or multiple family use in any District. A parking lot landscape plan shall be submitted with any application for a building permit or when otherwise required by this Ordinance.
1. Landscaping required by this Section shall comply with the applicable provisions of Chapter 14, except that the requirements of this Section shall be waived if the area normally required by this Section to be landscaped is located in a required buffer area.
 2. Existing parking areas:
 - a. These requirements shall be met for any existing parking lot which is expanded more than twenty-five percent (25%) of its original existing area, after the adoption of this Ordinance, or when any parking area is substantially altered (e.g., removal and replacement of existing pavement).
 - b. Any landscaping existing within or bordering any existing parking area shall not be removed unless replaced with landscaping meeting the requirements of this Section.
 3. General Requirements
 - a. Landscaping shall be planted and installed such that, when mature, it does not obscure traffic signs, fire hydrants, or lighting, and does not alter drainage patterns on the site or on adjacent properties; obstruct vision for reasons of safety, ingress or egress; or cause damage to utility lines (above and below ground) and public roadways.
 - b. Any landscaped area required by this Section shall be constructed outside any public street right-of-way.

- c. All landscaped areas, including perimeter areas, shall be protected by a raised or rolled concrete curb.
4. Frontage Landscaping
- a. Where any parking area directly abuts or faces a public street, a screen shall be required between the parking area and the road right-of-way. Such screen shall consist of, at a minimum, one (1) of the following:
 - 1. A strip of land at least five (5) feet in width and a solid screen comprised of a hedge or decorative wall, or any combination thereof, which measures at least three (3) feet in height; or
 - 2. A strip of land at least ten (10) feet in width containing landscaping equivalent to a Minor Buffer, as described in Section 13.2 except that the obscuring screen need not be provided.
 - b. The required strip of land shall also be covered with grass or other approved ground cover.
5. Interior Landscaping
- a. Interior landscaping shall be provided for any parking area containing twelve (12) or more parking spaces.
 - b. The interior of the parking lot shall begin at the outside boundary of the parking area.
 - c. The interior area of any parking lot shall incorporate one (1) planting island per each twelve (12) parking spaces, or part thereof.
 - d. Each planting island shall be at least ninety (90) square feet in area with a minimum single dimension of nine (9) feet.
 - e. Landscaped islands shall be dispersed evenly throughout the parking lot and may be used to separate pedestrian areas, maneuvering areas, and drives.
 - f. Trees planted shall comply with the provisions of Section 13.3, A.