

## VEGETATION

§ 74-31

## ARTICLE I. IN GENERAL

Secs. 74-1—74-30. Reserved.

## ARTICLE II. TREE AND WOODLAND PRESERVATION\*

## DIVISION 1. GENERALLY

## Sec. 74-31. Definitions.

(a) The following terms, words and phrases, and their derivatives, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Activity* means any use, operation, development or action caused by any person, including, but not limited to, constructing, operating or maintaining any use or development; erecting buildings or other structures; depositing or removing material; dredging; ditching; land balancing; draining or diverting of water; pumping or discharge of surface water; grading; paving; tree removal or other vegetation removal; excavation, mining or drilling operations.

*Above Existing Grade ("A.E.G.")* means the diameter in inches of a tree measured at 4-1/2 feet above the existing grade.

*Board* means the Charter Township of Shelby Board of Trustees.

*Commission* means the Charter Township of Shelby Planning Commission.

*Director* means the Charter Township of Shelby Planning Director.

*Drip line* means an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

*Farm* means the land, buildings, and machinery used in the commercial production of farm products.

*Farm operation* means a condition or activity which occurs on a farm in connection with the commercial production of farm products.

\*State law reference--Municipal forests, MCL 324.52701 et seq., MSA 13A.52701 et seq.

*Farm products* means those plants and animals useful to human beings as defined by the Michigan Right to Farm Act, being Act No. 93 of the Public Acts of 1981, (MCL 286.471 et seq., MSA 12.122(1), et seq.) as amended.

*Final engineering* means the final construction plans for a site.

*Generally accepted agricultural and management practices* means those practices as defined by the Commission of Agriculture of the State of Michigan.

*Grubbing* means the effective removal of understory vegetation from a site.

*Land clearing* means those activities where trees and vegetation are removed from a site prior to construction or development.

*Landowner* means all person(s) holding title to real property, whether legal or equitable.

*Person* means any individual, firm, partnership, association, corporation, company, organization or other legal entity of any kind including all tree removal companies and persons removing trees on behalf of others.

*Protected tree* means any tree in an area where tree removal is not permitted.

*Remove or removal* means the act of removing a tree by digging up or cutting down, or inflicting damage to a tree or its root system.

*Removable tree* means those trees designated by resolution of the Township Board as being appropriate for removal due to their characteristics. Such trees shall be listed by common and botanical name. Such list shall be maintained by the director and shall initially include the following tree species:

<i>Common Name</i>	<i>Botanical Name</i>
Chinese Elm	Ulmus Pumila
Cottonwood	Populus Deltoides
Large-Toothed Aspen	Populus Grandidentata
Lombardy Poplar	Populus Nigra (var. italica)
Russian Olive	Elaeagnus Augustifolia
Trembling Aspen	Populus Tremuloides
Weeping Willow	Salix Babylonica
White Poplar	Populus Alba

*Replacement tree* means a tree that is of like kind and quality as the protected tree it intends to replace.

*Sketch plan* means a plan showing the proposed activity. Such plan shall include the following information and detail to the extent applicable to the proposed activity:

- (1) The shape, boundaries and dimensions of the site, together with the existing and imposed locations of structures and improvements;
- (2) The location of existing right-of-ways and utility easements;
- (3) The location of proposed right-of-ways and adjacent utility easements;
- (4) Proposed lot configurations and sizes thereof;
- (5) Proposed front, rear and side yard set backs;
- (6) Existing characteristics and conditions of the site;
- (7) A typical building site in the case of a one-family residential or industrial subdivision plat;
- (8) The U.S.G.S. quadrant map or the most recent county aerial photograph of the site superimposed upon the plan; and
- (9) Such other information and detail as may be required to evaluate the impact of the proposed activity upon a woodland and contiguous property.

*Site* means any parcel of land, the dimensions of which are shown on a deed recorded with the Macomb County Register of Deeds, or any parcel which has been separated therefrom in accordance with the provisions of the Subdivision Control Act of 1967, as amended, and which exists as described on the effective date of this chapter.

*Township* means the Charter Township of Shelby.

*Transplanting* means the digging up of a tree from one place on a site and the planting of the same tree in another place on the site.

*Tree* means a woody plant with an erect perennial trunk, which at maturity is 13 feet or more in height, which has a more or less definite crown of foliage.

*Tree canopy area* means any area of land covered by a tree canopy from where the drip line of a tree or group of trees meets the existing grade of a site.

*Wetland* means any area of land which is subject to and regulated by the provisions of the Goemaere-Anderson Wetland Protection Act, as amended.

*Woodland* means any area of land two contiguous acres or larger which is covered by at least 50 percent tree canopy from one or more trees which have a natural understory where the area not covered by the tree canopy is covered by other natural vegetation; or, any area of land having trees which:

- (1) Act as a substantial buffer for existing residential structures or a residential zoning district or between adjacent uses;
- (2) Act as a significant greenbelt linkage between other natural resources; or,
- (3) Has significant environmental value due to unusual topography, diversity of habitat, unique beauty, endangered species, or a healthy tree of 24 inches A.E.G. or greater.

*Zoning ordinance* means the zoning ordinance of the township.

(b) Terms, words and phrases not otherwise specifically defined in this chapter shall have the meaning ascribed to them in the zoning ordinance and the State Land Division Act, as amended. (Code 1974, § 4-07.03; Ord. No. 239, 10-15-2002)

Cross reference—Definitions generally, § 1-2.

**Secs. 74-32—74-50. Reserved.**

**DIVISION 2. TREE REMOVAL**

**Sec. 74-51. Permit requirements.**

It shall be unlawful for any person, except as otherwise provided in this division, to remove,

cause to be removed, transplant or destroy a tree within the township without obtaining a tree removal permit issued in accordance with this division. A tree removal permit shall be required for any of the following activities:

- (1) *Within a woodland area.*
  - a. The removal, transplanting or destruction of any tree within a woodland area; or
  - b. Land clearing or grubbing within a woodland area; or
- (2) *Outside a woodland area.* The removal, transplanting or destruction of any tree of seven inches A.E.G. or greater outside of a woodland area.

(Code 1974, § 4-07.04; Ord. No. 239, 10-15-2002)

**Sec. 74-52. Exceptions to tree removal permit requirements.**

Notwithstanding the requirement of section 74-51, the following activities are allowed without a tree removal permit unless otherwise prohibited by law:

- (1) *Existing residential site development under two acres.* The removal, transplanting or destruction of trees located on a site which is two acres or less upon which there is an occupied residential structure for which a valid certificate of occupancy has been issued.
- (2) *Existing residential site over two acres—Specific improvements.* The removal, transplanting or destruction of trees located on a site which is over two acres upon which there is an occupied residential structure for which a valid certificate of occupancy has been issued to further construct a fence, deck, pool or accessory building, provided all other necessary permits have been issued to make the specific improvement(s).
- (3) *Dead or damaged trees.* The removal of dead or damaged trees where the death or damage resulted from an accident or non-human cause, provided that the land-

owner shall replace with a replacement tree, any tree where death or damage resulted from an accident.

- (4) *Specialized tree care.* The trimming, maintenance, or care of trees or other woody vegetation in accordance with any standards approved by the township.
- (5) *Emergencies.* The removal or destruction of trees damaged by tornado, windstorm, flood, freeze, dangerous insect infestation, or man-made or natural disaster, in order to prevent injury or damage to persons or property.
- (6) *Farm operation.* The removal, transplanting or destruction of trees occurring during a farm operation if the farm operation conforms to generally accepted agricultural and management practices.
- (7) *Commercial nursery or tree farm.* The removal, transplanting or destruction of trees occurring during the operation of a commercial nursery or tree farm; provided, however, this exception shall only be applicable if the commercial nursery or tree farm has been licensed within the State of Michigan and in operation on the site for three years or more, or the owner of the site provides the township with an affidavit that the commercial nursery or tree farm shall continue in active operation for a period of no less than five years.
- (8) *Maintenance, repair or expansion of public services by a public agency.* The removal, transplanting or destruction of trees by a governmental agency, public utility or their agent, in order to perform maintenance or repair of lawfully located roads, public utilities, structures and facilities used in the service of the public.

(Code 1974, § 4-07.05; Ord. No. 239, 10-15-2002)

**Sec. 74-53. Application for tree removal permit.**

- (a) *Filed with director.* Application for a tree removal permit shall be filed with the director.

(b) *Site development review requirement.* When a site is proposed for development necessitating review and approval of a site plan, plat, division of land or other permit pursuant to the ordinances of the township, said application for a tree removal permit shall be made at the same time as such other related application.

(c) *Application requirements.* The application for a tree removal permit shall consist of the following:

- (1) *Application with fee.* Tree removal permit application and payment of the application fee. An application fee schedule shall be established and updated by the director and approved by resolution of the township board.
- (2) *County aerial photographs.* The most currently available Macomb county aerial photographs or copy thereof of suitable quality (minimum scale of 1 inch = 100 feet) of the site.
- (3) *Tree location survey.* A tree location survey in a form acceptable to the director, which shall have the following information and details:
  - a. A topographical map at the same scale as the related site plan, plat, or survey drawing for division of land.
  - b. The shape and dimensions of the site, together with existing and proposed locations of structure and improvements, including existing and proposed utilities and proposed changes to existing grades.
  - c. Location and dimensions of all setbacks and existing or proposed easements.
  - d. All existing trees on the parcel shall be inventoried by actual field survey and shown on the topographical map by type, location and crown spread drawn to scale.
    - 1. Existing trees of six (6) inches A.E.G. or greater shall be shown on the topographical map with the ground elevation at the base on each such tree.

- 2. All existing trees shall be superimposed on the related site plan, plat or survey drawing for division of land.
- 3. Groups of trees whose individual bases are located at a ground elevation within one (1) foot of each other may be shown on the topographical map as a group with the overall crown spread drawn to scale, by predominant species, with estimated number and size of each predominant species with an average base elevation of each group.
- 4. The inventory shall include existing trees within adjoining street right-of ways, and existing trees twenty-five (25) feet beyond the limit of the property lines of the site.
- e. Isolated trees shown on the topographical map shall be tagged in the field with identifying numbers, using noncorrosive metal tags. Groups of trees shall be tagged sufficiently to identify the group upon field inspection. Such identifying numbers shall be shown on the topographical map.
- f. All existing trees proposed to remain, to be relocated or to be removed, shall be so designated by the identifying number.
- g. If existing trees are to be relocated, the proposed location for such trees, together with a statement setting forth how such trees are to be removed, protected and/or stored during land clearance, development and construction and how they are to be maintained after construction.
- h. A statement setting forth how existing trees which are not to be relocated are to be protected during land clearance, development, construction and on a permanent basis in-

cluding proposed use of tree wells, protective barriers, tunneling or retaining walls.

- i. The number of trees to be removed which are six inches A.E.G. or greater.
  - j. Such other information and detail as to vegetation as may be requested by the director.
- (4) *Waiver of requirements for certain single-family sites.* At the discretion of the director, requirements 74-53(c)(2) and 74-53(c)(3) a. through i. may be waived and a tree removal permit may be issued by the director on either an unplatted parcel or a subdivision lot where a single-family residence is to be constructed.

All information and details shall be provided by a registered land surveyor, registered engineer, registered landscape architect, certified arborist or forester who must verify the contents by seal or signature, which applies.

- (5) *Affidavit in lieu of location survey.*
- a. In lieu of the tree location survey required by subsection (c)(3) of this section, the applicant may submit an affidavit that no trees exist on the site of six inches A.E.G. or greater.
  - b. Upon submission of such certification, the township engineer shall conduct an inspection of such site.
  - c. If one or more trees are found to exist on such site of six inches A.E.G. or greater, the applicant shall submit the tree location survey required by subsection (c)(3) of this section and pay to the township the cost of said inspection.

(6) *Sketch plan in lieu of location survey.*

In lieu of the tree location survey required by subsection (c)(3) of this section, the applicant may submit a sketch plan showing the proposed activity and request the commission to recommend that the board of trustees waive the tree location survey requirements of subsection (c)(3) of this section for all or any area of the site. Once acted

upon by the commission, their recommendation shall be brought before the board of trustees for a final decision.

(Code 1974, § 4-07.06; Ord. No. 239, 10-15-2002)

**Sec. 74-54. Application review procedure.**

The township shall process a tree removal permit application as follows:

- (1) *Review for completeness.* The director shall review the tree removal permit application to verify that all required information has been provided.
- (2) *On-site verification of accuracy.* Upon receipt of a completed application, the director shall authorize a field investigation by the township engineer to review and verify the accuracy of the information and details provided by the applicant. The receipt of the application shall constitute permission from the owner of the site to conduct such on-site investigation and the fee charged shall include the cost of same.
- (3) *Waiver of location survey requirements.* If the tree removal permit application requests to waive the tree location survey requirements of section 74-53 (c)(3) for all or any area of the site, such requirement for all or any area of the site may only be waived upon the following conditions being satisfied:
  - a. A field investigation of the site to review and verify the accuracy of the information and details provided by the applicant;
  - b. The location of the proposed activity being flagged, marked or otherwise identified by the applicant on site at the time of the field investigation;
  - c. The applicant or an authorized representative of the applicant being present during such field investigation; and,
  - d. The director finding that the proposed activity in the area of the site for which a waiver is sought meets the standards set forth in section 74-55.

- (4) *Written request to waive location survey.* After A thru D above are completed the applicant may make a written request to waive the tree location survey requirements of section 74-53(c)(3). The applicant may submit additional information and details to the sketch plan provided such information and details are included with such written request.
- (5) *Survey required for nonwaivered areas.* Unless the board of trustees waives the tree location survey requirements of section 74-53(c)(3) for all of the site, the applicant shall submit a tree location survey as required by said section for those areas of the site for which a waiver has not been granted.
- (6) *Board review and approval.* If a tree removal permit application relates to an activity on a site necessitating review and approval by the board of trustees, the board shall consider said application concurrent with its review of the related site plan, plat, division of land or other permit application together with the recommendations, if any, of the commission. If the board approves the related site plan, plat, division of land or other permit application, such approval together with any terms and conditions attached thereto, shall be considered approval of the application for a tree removal permit.
- (7) *Board responsible to approve or deny request.* The board of trustees shall be responsible for granting or denying the application. The board shall consider said application concurrent with its review of any related site plan or other permit application. If the board approves the related site plan or other permit application, such approval together with any terms and conditions attached thereto, shall be considered approval of the application for a tree removal permit.
- (8) *Grant of a tree removal permit.* Whenever an application for a tree removal permit is granted, the township board or recommended by the commission for approval by the board, one or more of the following conditions:
- a. Conditions to ensure intent. Attach any reasonable conditions considered necessary to ensure that the intent and purpose of this article will be fulfilled;
  - b. Time limit to complete. Affix a reasonable time to carry out the activities approved by the permit; and,
  - c. Bond to ensure compliance. Require the applicant to post with the township a cash deposit, certified check or irrevocable bank letter of credit, whichever the applicant selects, or a surety bond acceptable to the approving authority, in an amount sufficient to ensure compliance with any tree removal permit conditions and this article.
- (9) Whenever an application for a tree removal permit is denied, the applicant shall be notified, in writing, of the reasons for such denial.
- (Code 1974, § 4-07.07; Ord. No. 239, 10-15-2002)

#### **Sec. 74-55. Application review standards.**

The following standards shall govern the granting or denial of an application for a tree removal permit:

- (1) *Preservation and conservation.* The preservation and conservation of trees, woodlands, associated vegetation, and related wildlife and other resources shall have priority over development when there are feasible and prudent location alternatives on the site for proposed buildings, structures or other improvements.
- (2) *Integrity of woodland areas.* The integrity of woodland areas shall be maintained irrespective of whether such woodlands cross property lines.
- (3) *Diversity of tree species.* Diversity of tree species shall be maintained when essential to preserving a woodland area.

- (4) *Land clearing.* Where the proposed activity consists of land clearing, it shall be limited to designated road right-of-ways, drainage and utility areas, and areas necessary for the construction of buildings, structures or other improvements.
- (5) *Residential development.* Where the proposed activity involves residential development, the residential structures shall, to the extent reasonably feasible, be designed and constructed to use the natural features of the site.
- (6) *Compliance with statutes and ordinances.* The proposed activity shall comply with all applicable statutes and provisions of this Code.
- (7) *Relocation or replacement.* The proposed activity shall include necessary provisions for tree relocation or replacement as may be required by this article.
- (8) *Limitations.* Tree removal or transplanting shall be limited to the following:
  - a. Necessary for construction. When removal or transplanting is necessary for the construction of a building, structure or other improvement, and the applicant has demonstrated there is no feasible and prudent location alternative for a proposed building, structure or other improvement; or,
  - b. Dead, in decline, etc. The tree is dead, in decline, in danger of falling, is located too close to existing buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or otherwise endangers persons or property; or,
  - c. Removable. The tree is a removable tree.
- (9) *Minimum tree canopy.* Existing and transplanted trees, upon completion of the proposed activity, shall provide a tree canopy area equal to or greater than percentages of total area of the site as follows:

<i>Proposed Activity</i>	<i>Percentage</i>
a. One-family residential, subdivision or site condominium:	
1. With public sewer	25
2. Without public sewer .....	25
b. One-family residential acreage .....	35
c. Multiple family .....	25
d. Mobile home park .....	00
e. Office .....	20
f. Commercial .....	15
g. Industrial .....	10

Forested wetlands preserved in accordance with the Goemaere-Anderson Wetland Protection Act, as amended, may be used in the above calculation of tree canopy area.  
(Code 1974, § 4-07.08; Ord. No. 239, 10-15-2002)

**Sec. 74-56. Tree protection during construction.**

Prior to development, construction and/or land clearing, the applicant shall do the following:

- (1) *Identification by painting or flagging.* All trees which have been approved for removal shall be so identified on-site by fluorescent orange spray paint (chalk base) or by red flagging tape prior to any activity. Trees selected for transplanting shall be flagged with a separate distinguishing color.
- (2) *Protective fencing and devices.* Erect construction limit fencing to restrict access to protected areas and install tree protection devices where required over tree roots, branches, and/or tree trunks.
  - a. *Approval.* All tree protection fencing and tree protection devices shall be approved by the township engineer or building official prior to any activity.
  - b. *Maintained throughout construction.* Fences and tree protection devices

shall be maintained during all development and construction activities; and all construction materials, supplies and equipment shall be kept outside of the protected areas.

(Code 1974, § 4-07.09; Ord. No. 239, 10-15-2002)

**Sec. 74-57. Required trees.**

(a) *Required tree formula.* Whenever an applicant cannot satisfy the minimum standards set forth in section 74-55(9), trees to meet the applicable canopy standard shall be provided, in addition to any other trees required by the ordinances of the township, as follows:

<i>Proposed Activity</i>	<i>Trees Required</i>
(1) Subdivisions - site condominiums:	
a. Each R-1-A lot . . . . .	5
b. Each R-1-B lot . . . . .	4
c. Each R-1-C lot . . . . .	2
(2) Multiple-family:	
	<i>Per Acre</i>
a. R-2 districts . . . . .	8
b. R-3—R-6 districts . . . . .	6
c. R-7—R-12 districts . . . . .	4
(3) Division of land (for each resulting parcel) . . . . .	6
(4) Office . . . . .	6
(5) All other zoning district classifications . . . . .	4

(b) *Exceptions for trees required under zoning ordinance.* For 74-57(a)(2)(3)(4)&(5), where parking lot and frontage trees required by the township zoning ordinance exceed the above required tree formula, the township zoning ordinance requirements shall apply.

(c) *Specifications.*

(1) *Height and diameter.* All replacement trees shall be at least eight feet tall and have a 1½-inch A.E.G. or greater, and shall be inspected and approved by a building official on-site upon planting.

(2) *Spacing.* Such trees shall be planted with a minimum tree spacing of 20 feet apart and in accordance with standardized forestry and horticultural practices as established by the American Association of Nurserymen or the National Arborist Association.

(3) *Planting.* Each such tree shall be staked, fertilized, mulched and watered.

(4) *Guarantee.* All replacement trees shall be guaranteed for one year.

(d) *Standards.* All purchased replacement trees shall satisfy American Association of Nurserymen Standards and shall be:

- (1) Nursery grown;
- (2) State department of agriculture inspected;
- (3) No. 1 grade with straight unscarred trunk and well-developed uniform crown; and
- (4) Tree spade transplanted while in a dormant state or, if not in a dormant state, having been balled and burlapped with a solid, well-laced root ball when in a dormant state.

(e) *Responsible persons.* The applicant and any person who applies for a building permit in connection with the proposed activity shall be responsible for planting replacement trees as required by this section.

(f) *Not in easements; prior to occupancy.* Replacement trees shall not be planted within any easements of record and shall be planted prior to the issuance of a final certificate of occupancy.

(g) *Removable trees prohibited.* Removable trees shall not be planted as replacement trees.  
(Code 1974, § 4-07.10; Ord. No. 239, 10-15-2002)

**Sec. 74-58. Site with common use woodland area.**

Where a site is proposed for development as a one-family residential subdivision or site condominium with a woodland area reserved for the common use and enjoyment of the residents of the proposed subdivision or site condominium, the



site area, site frontage and setback requirements as set forth in the zoning ordinance for one-family residential districts may be modified as follows:

- (1) *Possible reductions.*
  - a. *Site area and frontage.* Site area and site frontage requirements may be reduced by not more than ten percent; and
  - b. *Rear setback.* Rear setback requirements may be reduced to 30 feet when the entire rear site line adjoins the woodland area reserved for common use and enjoyment.
- (2) *Conditions to be satisfied.* Provided, the following conditions are satisfied:
  - a. The site area, site frontage and setback requirements as reduced shall not increase the overall maximum permitted density of dwelling units otherwise required by the zoning ordinance.
  - b. The woodland area reserved shall be at least equal to the cumulative total square footage gained by the reduction of site area, site frontage and rear setback requirements.
  - c. The woodland area reserved shall be dedicated to the common use and enjoyment of the residents of the proposed subdivision in a manner acceptable to the township attorney.
  - d. The proposed reserved woodland area satisfies one or more of the standards set forth in section 74-55.
  - e. The site has not been granted nor will be granted any other modification of standard site area or setback requirements of the zoning ordinance under the special land use provisions of this Title.

(Code 1974, § 4-07.11; Ord. No. 239, 10-15-2002)

#### Sec. 74-59. Appeal.

(a) *Waiting period before appeal.* A tree removal permit approved by the board shall not be issued until the day after the next regularly

scheduled board meeting following the approval and final engineering for the entire site is approved by the township engineer.

(b) *Appeal authorized.* Any person who is aggrieved by the grant or denial of a tree removal permit may request an appeal of the decision to the township board at the next regularly scheduled Board meeting following the approval.

(c) *Basis of appeal.* The basis for any appeal must be plead to the board at the meeting where it is brought.

(d) *Action by the board.* The board may act on the appeal at the meeting where it is brought, but must act on the appeal not later than the next regularly scheduled board meeting.

(Code 1974, § 4-07.12; Ord. No. 239, 10-15-2002)

#### Sec. 74-60. Enforcement and penalty for violation.

(a) *Misdemeanor offense.* Any person who shall violate any provision of this article shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$500.00 and costs of prosecution or by imprisonment for not more than 90 days, or both such fine and imprisonment in the discretion of the court.

(b) *Repeated offenses.* Each protected tree removed in violation of this ordinance shall constitute a separate misdemeanor offense.

(c) *Injunctive and other relief authorized.* Any act or omission in violation of this article is hereby declared to be a nuisance per se and may be abated by order of a court of competent jurisdiction.

(d) *Supervisor authorized to act.* In addition to any other legal or equitable remedy, the township supervisor is hereby authorized to commence a civil action in any court of competent jurisdiction for an order abating or enjoining any such unlawful activity.

(e) *Recovery of costs.* Recovery of the costs and actual attorney fees for all such action(s) brought against violators of this article shall be sought by the township.

(Code 1974, § 4-07.13; Ord. No. 239, 10-15-2002)

**Sec. 74-61. Variance for hardship.**

(a) *Authority established.* The zoning board of appeals may grant a variance from the provisions of this article when undue hardship may result from strict compliance therewith.

(b) *Conditions to be prescribed.* In granting any variance, the zoning board of appeals shall prescribe conditions that it deems necessary or desirable in the public interest and in furtherance of the intent and purpose of this article.

(c) *Findings.* No variance shall be granted unless the zoning board of appeals finds that:

- (1) There are special circumstances or conditions affecting the site such that the strict application of the provisions of this article would deprive the applicant of the reasonable use of his land;
  - (2) The variance is necessary for the preservation and enjoyment of a substantial property right of the applicant; and
  - (3) The variance will further the objectives and policies of this article and other ordinances of the township.
- (Code 1974, § 4-07.14; Ord. No. 239, 10-15-2002)

**Sec. 74-62. Not applicable to prior final approvals.**

This division shall not apply to a site plan, tentative preliminary plat, or division of land which has received final approval prior to the effective date of this chapter, so long as such approved site plan, tentative preliminary plat, or division of land remains in effect and in good standing in accordance with the applicable provisions of this Code.

(Code 1974, § 4-07.15; Ord. No. 239, 10-15-2002)

**Secs. 74-63--74-90. Reserved.**

**ARTICLE III. WEED CONTROL\***

**Sec. 74-91. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Farm land* means land used primarily for the growing of crops or the keeping of livestock for commercial use.

*Food handling commercial property* means land on which a commercial business exists which deals, as part of its normal business activity, in the sale or distribution of any food or food products for human or animal consumption.

*Improved land* means all platted subdivision lots and all building sites contained within the master deed of a condominium development in the township in which 50 percent or more of the lots or building sites contained in that development have a building erected or under construction upon them.

(Code 1974, § 4-06.02; Ord. No. 251, 12-19-2006)

*Cross reference*—Definitions generally, § 1-2.

**Sec. 74-92. Growing of weeds prohibited.**

It shall be unlawful for or any owner or occupant of land within the township, except farm land, as to any portion of such land which comes within 500 feet from the boundary line of any food handling commercial property or the owner or occupant of improved land to:

- (1) Grow or permit to remain on his land any weeds such as jimson, burdock, ragweed, thistle, cocklebur, poison ivy, poison sumac, goldenrod, mustards or other weeds of a like kind; or,
- (2) Permit any weeds, grass or plants other than trees or ornamental flowers or other ornamental plants to grow to a height exceeding six inches on any parcel of land with completed residential or commercial

\*State law references—Noxious weeds, MCL 247.61 et seq., MSA 9.631(1) et seq.; obnoxious plants and trees, MCL 124.151 et seq., MSA 12.270(1) et seq.