

## Part 145

145.000

**TREE PROTECTION**  
**Ord. No. 99-2**  
**Adopted: April 14, 1999**

## ARTICLE I

145.100

**FINDINGS, RATIONALE, PURPOSE**145.101 **Findings.**

Sec. 1.01. The township finds that rapid growth, the spread of development, and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the trees and other forms of vegetation and natural resources and processes associated therewith which, if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the township. Specifically the township finds that:

- A. Woodland growth protects public health through the absorption of air pollutants and contamination, through buffering in the reduction of excessive noise, wind, storms and visual screening, and through its cooling effect in the summer months.
- B. Woodlands provide for public safety through the prevention of erosion, siltation, and flooding.
- C. Trees and woodland growth are an essential component of the general welfare of the township by maintaining natural beauty, recreation, and an irreplaceable heritage for existing and future township residents.
- D. The protection of such natural resources is a matter of paramount public concerns, as provided by Article IV, Section 52 of the Constitution of 1963, and the Environmental Protection Act of 1970, Act No. 127 of the Public Acts of Michigan of 1970 (MCL 691.1201 et seq., MSA 14.528(201) et seq.), as amended.

145.102 **Purpose.**

Sec. 1.02.

- A. To provide for the protection, preservation, replacement, proper maintenance and use of trees and woodlands located on a parcel of land ten acres in size or greater in the township in order to minimize disturbance to them and to prevent damage from erosion and siltation, a loss of wildlife and vegetation, and/or the destruction of the natural habitat. (See also section 4.01)

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*Land clearing* means those operations where trees and vegetation are removed and which occur previous to construction of a building; e.g., road right-of-way excavation and paving, lake and drainage systems excavation, utility excavation, grubbing, and any other necessary clearing operations.

*Material* includes soil, sand, gravel, clay, peat, mud, debris and refuse, or any other material organic or inorganic.

*"No tree" affidavit* means a signed, notarized statement by the owner or agent stating that no trees exist upon the site of six inch d.b.h. or greater.

*Operations* includes the locating, moving or depositing of any material, or any construction use or activity, or a combination thereof which in any way modifies the conditions of lands subject to this ordinance.

*Owner* means any person who has dominion over, control of, or title to woodlands.

*Person* includes any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind, including governmental agencies conducting operations within the township and all tree removal companies and persons removing trees on behalf of others.

*Planning commission* means the Huron Township Planning Commission.

*Protective barrier* means a physical structure limiting access to a protected area, composed of wood or other suitable materials which ensures compliance with the intent of this ordinance. Variations of these methods may be permitted upon written request if they satisfy the intent of this ordinance.

*Remove, removal* includes the cutting of trees and injury and/or destruction of any form of vegetation, by whatever method, on any lands subject to this ordinance.

*Site plan* means an illustration of a proposed development as required in the Huron Township Zoning Ordinance.

*Structure* means any assembly of materials above or below the surface of the land or water including but not limited to houses, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, towers, utility transmission devices.

*Transplant* means the digging up by property owner of a tree from one place on a property and planting of the same tree in another place on the same property.

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

*Tree survey* is a minimum one inch equals 100 feet scale drawing which provides the following information: location of all trees having six inches or greater d.b.h., plotted by accurate techniques, and the common or botanical names of those trees and their d.b.h.

*Underdeveloped* means a parcel of land which is unplatted and substantially unimproved. With respect to land which, on the effective date of this ordinance,

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to which this ordinance applies, any tree having six inches or greater d.b.h., or conifer greater than 20 feet in height, without first obtaining a tree removal permit.

**145.502 Plat or plan approval.**

Sec. 5.02. Where a final subdivision plat, site plan, or site condominium development plan has been reviewed and approved by the township, and conforms with this ordinance, the plat or plan, together with any additional terms and conditions attached thereto, shall be considered to have fulfilled the requirements for a tree removal permit.

**145.503 Residential development.**

Sec. 5.03. In addition to other requirements of this Ordinance, there shall be compliance with the following requirements in all residential developments:

- A. *Building envelopes*—The developer shall designate building envelopes for all structures.
1. *Platted subdivisions*—The building envelope for platted lots and site condominiums shall be the buildable area remaining on a lot after satisfying township zoning ordinance setback requirements.
  2. *Other residential developments*—For all other residential developments the developer shall designate as building envelopes the building areas, plus reasonable area beyond the buildings up to 25 feet, so long as the area is not in any required setback.
  3. *Activities within building envelopes*—No additional tree removal permit shall be required for construction of structures or improvements or other activities within a building envelope.
  4. *Activities outside building envelope*—Subject to the exceptions enumerated in Article VI, construction or activities beyond the building envelope shall require an additional tree removal permit.

**145.504 Non-residential development.**

Sec. 5.04. For non-residential developments which require land clearing, such clearing shall be limited to designated street rights-of-way, drainage retention/detention basins and utility areas, and areas necessary for the construction of buildings, structures or other site improvements. An objective in determining the layout and design of buildings and parking shall be the preservation of protected trees, with a priority given for preservation of the largest trees deemed to have a reasonable likelihood of survival.

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**145.806 Residential parcels containing less than 25 acres.**

Sec. 6.06. Tree removal or transplanting occurring during the use of the parcel in support of one residential dwelling and permitted residential accessory uses. All contiguous land owned in common shall be included in the acreage calculations. This provision shall not exempt such parcels from regulation under the terms of this ordinance at the time of application for approval of site plans, plats, and site condominiums as outlined in Article IV.

**145.807 Outdoor recreation.**

Sec. 6.07. Such as the utilization of field trails or woodland on publicly owned property for nature study, hiking, horseback riding, trapping and hunting as otherwise legally permitted and regulated.

**ARTICLE VII**

145.700

**APPLICATION FOR TREE REMOVAL****145.701 Time of application.**

Sec. 7.01. Application for a tree removal permit shall be made before removing or transplanting trees on sites to which this ordinance applies.

**145.702 Application and fee.**

Sec. 7.02.

- A. Where the site is proposed for development necessitating site plan, site condominium, plat review, request for a tree removal permit at the time of preliminary site plan, preliminary site condominium plan, or preliminary plat submittal, along with an additional nonrefundable application/permit fee as determined by the township board.
- B. Where the site is proposed for development necessitating approval of division of land, request for a tree removal permit shall be included at the time of application for division of land, along with an additional nonrefundable application/permit fee as determined by the township board.

**145.703 Contents of application.**

Sec. 7.03.

- A. In addition to or in conjunction with information required for site plan, site condominium, or plat review, an application for a tree removal permit shall submit 12 copies of the following information to the township clerk:
  1. *Detailed description*—and statement of the purpose of the proposed activity.
  2. *Tree survey*—for all areas for which a tree removal permit is required.

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- B. To place priority on the preservation of woodlands, trees, similar woody vegetation, and related natural resources.
- C. To prevent the woodlands, including trees and other forms of vegetation, of the township for their economic support of local property values when allowed to remain uncleared and/or unharvested and for their natural beauty, wilderness character of geological, ecological or historical significance.
- D. To provide for the paramount public concern for these natural resources in the interest of health, safety and general welfare of the residents of the township.

## ARTICLE II

145.200

## DEFINITIONS

The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning; the word "shall" is always mandatory and not merely directory.

*Silviculture* means a land use to derive income from growing plants and trees on land including but not limited to land used principally for fruit grove and timber production, and not including land used principally for another use and incidentally for growing trees or plants for income.

*Building envelope* for platted lots and site condominiums shall be the buildable area remaining on a lot after satisfying township zoning ordinance setback requirements; for all other residential developments, the building envelope shall include the area of the residential buildings, plus a reasonable area beyond the buildings, up to 25 feet, so long as the area is not in any required setback.

*Commercial nursery / tree farm* means a licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and growing for sale or intended sale to the general public in the ordinary course of the licensee's business.

*Development* includes any lawful land use authorized under the Huron Township Zoning Ordinance as amended.

*Diameter breast height (d.b.h.)* means the diameter in inches of a tree measured at 4½ feet above the existing grade.

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

*Groundcover* means low-growing shrubs, woody vegetation, wild flowers and other small herbaceous plants within a woodland area.

*Grubbing* means the effective removal of understory vegetation, groundcover, shrubs or trees.

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forest management use permit shall be directed by a licensed and registered forester. Under the forest management use permit, provisions of this ordinance which are applicable solely to development or land clearing activities shall not apply. The township shall not levy any fee for this special permit.

**ARTICLE VIII**

145.800

**APPLICATION REVIEW STANDARDS**

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

145.801

**Preservation and conservation.**

Sec. 8.01. No application shall be denied solely because some trees grow on the site. Nevertheless, tree preservation and conservation shall be of paramount concern and importance.

145.802

**Developmental alternatives.**

Sec. 8.02. Prevention and conservation of wooded areas, trees, similar woody vegetation, wild life and related natural resources and processes shall have priority over development when there are feasible and prudent location alternatives on site for proposed building, structures or other site improvements.

145.803

**Diversity of species.**

Sec. 8.03. Diversity of tree species shall be maintained where essential to preserving a wooded area.

145.804

**Woodland integrity.**

Sec. 8.04. The integrity of a stand of trees shall be maintained irrespective of whether such stand crosses property lines.

145.805

**Quality of woodland.**

Sec. 8.05. The reviewing authority shall evaluate the quality of the involved tree area, including in its evaluation consideration of:

- A. Soil quality;
- B. Habitat quality;
- C. Tree species (including diversity of tree species);
- D. Tree size and density;
- E. Health and vigor of tree stand;
- F. Wildlife within the woodland area;
- G. Understory species and quality;

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partially improved by virtue of a building(s) or other improvement(s) located on a portion of the land, the portion of the land which does not contain the building(s) or improvement(s) shall be considered underdeveloped.

**ARTICLE III**

145.300

**INTERPRETATION AND APPLICATION**

In the interpretation and application, the provisions of this ordinance shall be held to be minimum requirements adopted for the promotion of the public health, morals, safety, comfort, convenience, or general welfare. It is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provisions of law or ordinance, or with any rules, regulations or permits previously adopted or issued or which shall be adopted or issued pursuant to the law relating to activities within woodlands areas; provided, however, that where this ordinance imposes a greater restriction than is required by existing ordinances or by rules, regulations or permits the provisions of this ordinance shall control.

**ARTICLE IV**

145.400

**APPLICABILITY**145.401 **Site plans, plats, and site condominiums.**

Sec. 4.01. This ordinance shall apply to land regardless of size for which a site plan or land division plan was or is submitted for approval to the planning commission on or after the effective date of this ordinance, or for which a preliminary plat or preliminary site condominium development plan has received tentative approval on or after such date, provided the site plan, land division plan, plat, or condominium plan remain in effect in good standing under the Huron Township Zoning Ordinance and other applicable ordinances.

**ARTICLE V**

145.500

**TREE REMOVAL PERMIT REQUIRED**145.501 **Requirement established.**

Sec. 5.01. Subject to the exceptions enumerated in Article VI no person shall remove, cause to be removed, transplant or destroy, on any land in the township

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145.902

## ARTICLE IX

145.900

## TREE RELOCATION OR REPLACEMENT

A tree removal permit grantee shall replace or relocate each removed tree having six inches or greater d.b.h.

145.901

**Basis for determining relocation or replacement.**

Sec. 9.01. The permit grantee shall relocate or replace removed trees on a d.b.h. or height basis, as follows:

For deciduous trees, replacement shall be on a total caliper basis, that is, for example, for each tree with a 12 inch d.b.h., there shall be replacement trees with an aggregate of calipers totaling 12 inches, provided, no replacement trees shall have a d.b.h. less than 2½ inches; for conifers, replacement shall be based upon total height, with no replacement tree having a height of less than six feet. If it is determined, based upon the opinion of a registered forester or registered landscape architect that replacement to the extent required under this provision will result in plantings which do not have sufficient area for growth in the future, a reduction in the requirement specified in this paragraph may be permitted to the extent necessary to insure adequate room for growth, with the provisions of section 9.02 to apply with regard to those trees which have not been planted under this provision.

145.902

**Replacement tree location.**

Sec. 9.02.

- A. *Approval required*—Township shall approve tree location or replacement locations in order to provide optimum enhancement, preservation and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on-site and within the same general area as trees removed.
- B. *Tree fund*—Where it is not feasible and desirable to relocate or replace trees on-site or at another approved location in the township, the tree removal permit grantee shall pay into the township tree fund, which is hereby created, an amount of money approximately the current value of the replacement trees that would otherwise be required. The township shall use the tree fund for the purpose of maintaining and preserving wooded areas and for planting and maintaining trees within the township.



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**145.505 Minimum preservation requirement.**

Sec. 5.05. The developer shall preserve and leave standing and undamaged a minimum of 40 percent of the total number of trees having six inches or greater d.b.h. which exist within the platted area prior to development.

**ARTICLE VI**

**145.600 EXCEPTIONS**

Notwithstanding the requirement of Article V, the following activities are permitted unless otherwise prohibited by statute or other township ordinance.

**145.601 Agriculture exception.**

Sec. 6.01. Tree removal or transplanting occurring during use of land for agriculture or the operation of a commercial nursery or tree farm, provided, this exception shall only be applicable if the commercial nursery or tree farm has been licensed with the State Michigan and in operation on the property for three years or more, or the property owner records an affidavit that the commercial nursery or tree farm shall continue in active operation for a period of no less than five years.

**145.602 Conservation.**

Sec. 6.02. Conservation of soil, vegetation, water, fish, wildlife, and other natural resources.

**145.603 Emergencies.**

Sec. 6.03. Actions made necessary by an emergency, such as tornado, wind-storm, flood, freeze, dangerous and infectious insect infections or disease, or other disaster, in order to prevent injury or damage to persons or property or restore order.

**145.604 Public utilities.**

Sec. 6.04. Repair or maintenance work performed by public utilities necessitating the trimming or cutting of trees.

**145.605 Dead or damaged trees.**

Sec. 6.05. Removal or trimming of dead, diseased or damaged trees, where the damage resulted from an accident or nonhuman cause, and provided that the removal or trimming is accomplished through the use of standard forestry practices and techniques.

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- B. All applicable materials shall be reviewed by the township planner for his/her technical analysis and recommendation. The township planner shall notify the planning commission of his/her recommendation for either granting or denial of the tree removal permit.
- C. Where the site is proposed for development necessitating site plan review, site condominium approval, or plat approval by the planning commission shall be responsible for granting or denying the tree removal permit, subject to approval, reversal, or modification by the township board with respect to site condominium or plat approvals.
- D. Where the site plan review, site condominium approval, or plat approval by the planning commission is not required by township ordinance, denying or approving of a tree removal permit shall be the responsibility of the planning commission.

**145.1102 Notice.**

Sec. 11.02. Prior to a determination by the planning commission on a tree removal permit application, notice of the application and the date, time and location of a planning commission meeting at which the application will be considered shall be published in a paper of general circulation within the township. A copy of the notice shall be mailed to those persons to whom real property adjacent to the proposed activity is assessed including property directly across public rights-of-ways and easements.

- A. Where the proposed activity does not require site condominium or plat approval, the notice shall indicate a date prior to which written comments regarding the application may be submitted to the township for consideration by the reviewing authorities.

**145.1103 Denial of tree removal permit.**

Sec. 11.03. Whenever an application for a tree removal permit is denied, the permit applicant shall be notified, in writing, of the reasons for denial.

**145.1104 Granting of a tree removal permit.**

Sec. 11.04. Whenever an application for a tree removal permit is granted, the reviewing authority shall:

- A. *Conditions.* Attach to the granting of the permit any reasonable conditions considered necessary by the reviewing authority to ensure the intent of this ordinance will be fulfilled and to minimize damage to, encroachment in or interference with natural resources and processes within wooded areas;
- B. *Completion of operations.* Fix a reasonable time to complete tree removal operations; and

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3. *Location of trees*—trees, having six inches or greater d.b.h., that are proposed to remain, to be transplanted or to be removed from the areas for which a tree removal permit is required, shall be so designated and identified by common or botanical name on a minimum one inch equals 100 feet scale drawing.
4. *Tree identification*—a statement that all trees being retained will be identified by some method, such as tagging, flagging, etc., and, where protective barriers are necessary, that they will be erected before work starts.
5. *Tree protection*—a statement describing how trees intended to remain will be protected during development.
6. *Cost of replacement*—a cost estimate for the proposed tree replacement program with a detailed explanation including the number, size and species.
7. *A topographical survey*—sealed by a registered engineer or registered surveyor, with contours drawn at an interval of not more than one foot for all areas to be disturbed by proposed tree removal operations, extending for a distance of at least 50 feet beyond the limits of such areas. Indicated elevations shall be based on United States Geological Survey datum.
8. *Grade changes*—designation of proposed grade changes and proposed drainage pattern changes.

## 145.704 "No tree" affidavit.

## Sec. 7.04.

- A. Where proposed activity requires site plan, site condominium, or plat review, and is located on a site with no trees of six d.b.h. or greater, the developer shall, at the time of plan, plat, or application submittal, include a "no tree" affidavit.
- B. Where "no tree" affidavit is submitted, the township shall conduct an inspection of the site. If the inspection substantiates the developer's claims, the developer shall be relieved of the necessity of providing the information listed in section 7.02 as it pertains to this ordinance.
- C. If, during the inspection by the township, the site is found to have tree specimens with a d.b.h. of more than six inches, the township will require the developer to request a tree removal permit.
- D. *Forest management*—An owner may be granted a tree removal permit for the purpose of maintaining and improving a woodlands area by professional forestry management methods. Applications for this permit must be accompanied by a management plan for the subject area prepared by a forester licensed and registered in the state. The management plan shall include a description of and a schedule for the program, justifying reasons for the work specified, and a summary of the benefits to be obtained. Work under a

**TREE PROTECTION (Ord. No. 99-2)**

145.1401

**145.1302 Injunction.**

Sec. 13.02. Any activity conducted in violation of this ordinance is declared to be a nuisance per se, and the township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.

**145.1303 Fee for illegally removed trees.**

Sec. 13.03. In addition to any penalty provided for in the event of a conviction for violation of this ordinance, any person who removes or causes any tree to be removed except in accordance with this ordinance shall forfeit and pay to the township a civil fee equal to the total value of trees illegally removed or damaged, as computed from the International Society of Arboriculture shade tree value formula.

- A. The fee shall accrue to the township, and, if necessary, the township may file a civil action to recover the fee. The township shall place any sum collected in the township tree fund.
- B. Alternatively, the township may require replacement of illegally removed or damaged trees as restitution in lieu of the fee. Replacement will be on an inch-for-inch basis computed by adding the total diameter measured at d.b.h. in inches of the illegally removed or damaged trees.
- C. The township may use other reasonable means to estimate the tree loss if destruction of the illegally removed or damaged trees prevents exact measurement. The township may also require a combination of fee payment and tree replacement.

**145.1304 [Stop-work order; withholding certificate of occupancy.]**

Sec. 13.04. The township may also issue a stop-work order or withhold issuance of a certificate of occupancy, permits, or inspections until the provisions of this ordinance, including any conditions attached to a tree removal permit, have been fully met.

**145.1305 [Enforcement.]**

Sec. 13.05. Compliance with this ordinance shall be enforced by the township supervisor and other enforcement officers so designated by township board resolution.

**ARTICLE XIV**

145.1400

**VARIANCE FOR HARDSHIP****145.1401 Authority established.**

Sec. 14.01. The zoning board of appeals may grant a variance from these regulations if a finding by the zoning board of appeals is made that undue hardship would result from strict compliance.

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- H. Impact on the human environment, such as windblock, noise buffer, and cooling effect;
- I. Historic or specimen trees within the woodland area.

145.806

**Land clearing.**

Sec. 8.06. Where the proposed activity consists of land clearing, it shall be limited to designated street rights-of-way, drainage and utility areas and areas necessary for the construction of buildings, structures or other site improvements.

145.807

**Grubbing.**

Sec. 8.07. Where grubbing is permitted, it shall not include the removal of any trees with a d.b.h. of greater than three inches.

145.808

**Residential development.**

Sec. 8.08. Where the proposed activity involves residential development, residential units shall, to the extent reasonably feasible, be designed and constructed to blend into the natural setting of the landscape.

145.809

**Compliance with statutes and ordinances.**

Sec. 8.09. The proposed activity shall comply with all applicable statutes and ordinances.

145.810

**Relocation or replacement.**

Sec. 8.10. The proposed activity shall include necessary provisions for tree relocation or replacement, in accordance with Article IV, and tree protection, in accordance with Article X.

A. *Limitation*—Tree removal or transplanting shall be limited to instances where:

1. *Necessary for construction*—removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit application has shown there is no feasible and prudent location alternative on-site for a proposed building, structure or other site improvement; or
2. *Disease, damage, etc.*—the tree is diseased, damaged or in danger of falling, is located too close to existing or proposed buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to other Township ordinances or regulations.

ORDINANCE NO. 01-04  
AMENDMENT TO ORDINANCE #99-02  
TREE PROTECTION ORDINANCE

CHARTER TOWNSHIP OF Huron Twp

AN ORDINANCE TO AMEND ORDINANCE NO. 99-2, THE TREE PROTECTION ORDINANCE, TO PROVIDE COMPENSATION TO THE TOWNSHIP AND ITS RESIDENTS WHEN TREES ARE REMOVED AND THEIR REPLACEMENT IS NOT FEASIBLE.

THE CHARTER TOWNSHIP OF HURON ORDAINS:

Section 1. Amendment of Section 7.04 A,B and C.

Section 7.04 A,B and C shall be amended to read as follows:

Section 7.04 "Tree" or "Replacement not Feasible" Affidavit

A. Where proposed activity requires site plan, site condominium, or plat review, and is located on a site with no trees six (6) inches or greater d.b.h., or on a site where it is not feasible to replace trees required by this Ordinance to be replaced, the developer shall, at the time of plan, plat, or application submittal, submit either a "no tree" affidavit or a "replacement not feasible" affidavit, as appropriate.

B. Where a "no tree" or a "replacement not feasible" affidavit is submitted, the Township shall conduct an inspection of the site. If the inspection substantiates the developer's claims, the developer shall be relieved of the necessity of providing the information listed in Section 7.02 as it pertains to this Ordinance.

C. If, during inspection by the Township, the site is found to have tree specimens with a d.b.h. of more than six (6) inches, or if it is found that a tree replacement program is feasible, the Township shall require the developer to request a Tree Removal Permit.

Section 2. Amendment of Section 9.02 B.

Section 9.02 B shall be amended to read as follows:

Section 9.02B. Tree and Beautification Fund – Where it is not feasible and desirable to relocate or replace trees on-site or at another approved location in the Township, the Tree Removal Permit grantee shall pay into the Township Tree and Beautification Fund, which is hereby created, an amount of money to approximate the current value of the replacement trees that would otherwise be required. The Township shall use the Tree and Beautification Fund for the purpose of

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## TREE PROTECTION (Ord. No. 99-2)

## ARTICLE X

145.1000

## TREE PROTECTION DURING CONSTRUCTION

145.1001 **Placing materials near tree.**

Sec. 10.01. No person may conduct any activity within the drip line of any tree designated to remain, including, but not limited to, placing solvents, building material, construction equipment or soil deposits within the drip line.

145.1002 **Attachment to trees.**

Sec. 10.02. During construction, no person shall attach any device or wire to any remaining tree.

145.1003 **Protective barrier.**

Sec. 10.03. Before development, land clearing, filling or any land alteration for which a tree removal permit is required, the developer shall erect and maintain suitable barriers to protect remaining trees. Protective barriers shall remain in place until the township authorizes their removal or issues a final certificate of occupancy, whichever occurs first, wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers are required for all trees designated to remain, except in the following cases:

- A. *Rights-of-way and easements*—Street right-of-way and utility easements may be cordoned by placing stakes a minimum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of areas to be cleared.
- B. *Large, separate area*—Large property areas separate from the construction or land clearing area onto which no equipment will venture may also be cordoned off as described in section 10.03.01.

## ARTICLE XI

145.1100

## APPLICATION REVIEW PROCEDURE

145.1101 **Review and authority.**

Sec. 11.01.

- A. The township clerk shall review all applicable materials submitted for a tree removal permit to verify that the applicant has provided all required information.

Section 5. Amendment of Section 13.03 A.

Section 13.03 A. shall be amended to read as follows:

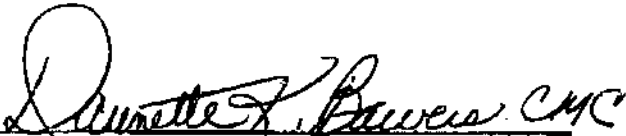
Section 13.03 a. The fee shall accrue to the Township , and, if necessary, the Township may file a civil action to recover the fee. The Township shall place any sum collected in the Township Tree and Beautification Fund.

Section 6. Repeal of Conflicting Ordinance, Severability.

All ordinances and parts of ordinance inconsistent with the provisions of this ordinance are hereby repealed. If any part of this ordinance is found to be void by any court of competent jurisdiction, said part shall cease to be included in this ordinance, but the remainder of said ordinance shall remain in full force and effect.

Section 7. Effective Date.

This ordinance shall be effective the earliest date permitted by law after publication.

  
Dawnette K. Bowers, CMC

**CERTIFICATION**

I, Dawnette Bowers, Clerk for the Charter Township of Huron do hereby certify that the foregoing constitutes a true and complete copy of Ordinance #01-05 duly adopted by the township Board of Trustees of the Charter Township of Huron, Wayne County, Michigan at a regular Board meeting held on the 26<sup>th</sup> day of September, 2001.

I further certify that the following members were present: Adkins, Barron, Bowers, Carey, Krause, O'Kelley, Mitchell. The motion was made by Treasurer Barron and supported by Trustee Carey.

I further certify that the Ordinance has been recorded in the Ordinance Book of the township and that such recording has been authenticated by the signature of the Township Clerk.



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- C. *Security.* Require the permit grantee to file with the township a cash or corporate surety bond or irrevocable bank letter of credit in an amount determined necessary by the township planner to ensure compliance with tree removal permit conditions and this ordinance.
- D. *Validity of a permit.*
1. Any and all permits issued by the township as a requirement of this ordinance shall be declared null and void if commencement of work so permitted is not started within a reasonable time, but not to exceed 12 months. This period may be extended up to an additional 12 months by the planning commission due to other government agency reviews.
  2. In no case will the permit be valid for more than 24 months. Permits not used within this period will become null and void, and future work will require a new application.
  3. For purposes of this section, a permit shall be used when the work authorized by the permit is completed.

**ARTICLE XII**

145.120)

**DISPLAY OF PERMIT, INSPECTION**

145.1201 [Display of permit.]

Sec. 12.01. The tree removal permit grantee shall conspicuously display the permit on-site. The permit grantee shall display the permit continuously while trees are being removed or replaced or while activities authorized under the permit are performed, and for ten days following completion.

145.1202 [Inspection.]

Sec. 12.02. The permit grantee shall allow township representatives to enter and inspect the premises at any reasonable time, and failure to allow inspection shall constitute a violation of this ordinance.

**ARTICLE XIII**

145.1300

**ENFORCEMENT**

145.1301 Violation, misdemeanor.

Sec. 13.01. Any persons who violates any provision of this Ordinance shall be guilty of a misdemeanor.

**Charter Township of Huron  
Second Reading  
ORDINANCE NO 05-02**

An ordinance to amend Ordinance No. 01-04,  
the Tree Protection Ordinance, to revise the  
requirements for tree replacement and relocation.

THE CHARTER TOWNSHIP OF HURON ORDAINS:

Section 1. Amendment of Article II, Definitions.

The definition of ANo tree@ affidavit contained in Article II of Ordinance 01-04 shall hereafter read:

ANo tree@ affidavit means a signed, notarized statement by the owner or agent stating that no prohibited trees of nine inches d.b.h. or greater, no permitted trees of six inches d.b.h. or greater, and no conifers of 20 feet in height or greater, exist upon the site.

Section 2. Amendment of Section 5.01.

Section 5.01 of Ordinance 01-04 shall hereafter read:

Subject to the exceptions enumerated in Article VI, no person shall remove, cause to be removed, transplant or destroy, on any land in the township to which this ordinance applies, any permitted tree having six inches d.b.h. or greater, any prohibited tree having nine inches d.b.h. or greater, or any conifer 20 feet in height or greater, without first obtaining a tree removal permit.

Section 3. Amendment of Section 5.05.

Section 5.05 of Ordinance 01-04 shall hereafter read:

The developer shall preserve and leave standing and undamaged a minimum of 40 percent of the total number of permitted deciduous trees having six inches d.b.h. or greater and coniferous trees of 20 feet in height or greater which exist within the area proposed for development prior to said development.

Section 4. Amendment of Section 7.03A.3.

Section 7.03A.3 of Ordinance No. 01-04 shall hereafter read:

3. Location of trees - permitted deciduous trees having six inches or greater d.b.h., prohibited deciduous trees having nine inches or greater d.b.h., and conifers 20 feet

145.140: **TREE PROTECTION (Ord. No. 99-2)**

145.140: **Conditions to be prescribed.**

Sec. 14.02. In granting any variance, the zoning board of appeals shall prescribe conditions that it deems necessary or desirable for the public interest.

145.140: **Findings.**

Sec. 14.03. No variance shall be granted unless the township zoning board finds:

- A. That there are special circumstances or conditions affecting said property such that the strict application of the provisions of this ordinance would deprive the applicant of the reasonable use of his land;
- B. That the variance is necessary for the preservation and enjoyment of a substantial property right of the petitioner;
- C. That the variance will further the objectives and policies of this ordinance, the Code of Ordinances and the master plan.

**ARTICLE XV**

145.1500 **SEVERABILITY**

This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

**ARTICLE XVI**

145.1600 **PENALTY**

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than 90 days of confinement to jail or by a fine or not more than \$500.00, or both, in the court's discretion.

**ARTICLE XVII**

145.170: **REPEAL, EFFECTIVE DATE, AND ADOPTION**

145.1701 **Repeal.**

Sec. 17.01. All regulatory provisions contained in other township ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

## ARTICLE IX

### TREE RELOCATION OR REPLACEMENT

Section 9.01. Basis for Determining Relocation or Replacement. The permit grantee shall relocate or replace removed trees on a d.b.h. or height basis, as follows:

#### A. Replacement of prohibited trees.

1. A prohibited tree is any tree identified as such in the Huron Township Zoning Ordinance.
2. The permit grantee is not required to replace any prohibited tree unless the prohibited tree removed exceeds nine inches d.b.h. and then only as provided herein.
3. For every two prohibited trees removed from the property which exceed nine inches d.b.h., the permit grantee shall plant one replacement tree of approximately 2.5 inches minimum d.b.h. of a species of the grantee's choice from the list(s) of landscape materials permitted in the Huron Township Zoning Ordinance, on the property where the removed tree was located prior to removal; provided, however, in the event the grantee concludes there is not sufficient space to plant replacement trees on the property where the removed tree was located prior to removal and the Township reasonably concurs in such conclusion, then the grantee may locate replacement trees at another location on property it may own within the Township, or it may make the required contribution to the Tree and Beautification Fund as set forth in section 9.02.B.

#### B. Replacement of deciduous trees not identified as prohibited.

1. A permit grantee is not required to replace any deciduous tree not identified as a prohibited tree unless the tree removed exceeds six inches d.b.h.
2. For every deciduous tree removed from the Property which is not identified as a prohibited tree in the Huron Township Zoning Ordinance and which exceeds six inches d.b.h., the grantee will replace each tree, on a net caliper inch basis, to the extent that tree exceeds six inches d.b.h. The grantee will receive a credit against the number of caliper inches of replacement trees required for the first six inches of the d.b.h. measurement of the removed tree. [For example, removal of a tree with 16 inch d.b.h. measurement would require the grantee to provide replacement of sufficient trees of approximately 2.5 inches minimum d.b.h., to equal an aggregate total of ten inches d.b.h. This replacement requirement could be satisfied by planting one ten inch d.b.h. tree, four two and one-half inch d.b.h. trees or any other combination of trees totaling ten inches d.b.h. in aggregate]. To avoid fractional

maintaining and preserving wooded areas and for planting and maintaining trees within the Township where such preservation, planting and maintenance is feasible, and for other beautification projects when it is not.

Section 3. Amendment of Section 11.01.

Section 11.01 Review and Authority shall be amended to read as follows:

A. The Township Clerk shall review all materials submitted for a Tree Removal Permit, or submitted with a "no tree" or "replacement not feasible" affidavit, to verify that the applicant has provided all required information.

E. All applicable materials shall be reviewed by the Township Planner for his/her technical analysis and recommendation. The Township Planner shall notify the Planning Commission of his/her recommendation for either granting or denial of the Tree Removal Permit, or either acceptance or rejection of the "no tree" or "replacement not feasible" affidavit.

C. Where the site is proposed for development necessitating site plan review, site condominium, approval, or plat approval, the Planning Commission shall be responsible for granting or denying the Tree Removal Permit, or for accepting or rejecting the "no tree" or replacement not feasible" affidavit.

D. Where site plan review, site condominium approval, or plat approval by the Planning Commission is not required by Township Ordinance, denial or approval of a Tree Removal Permit, or acceptance or rejection of a "no tree" or replacement not feasible" affidavit shall be the responsibility of the Planning Commission.

Section 4. Amendment of Section 11.02.

Section 11.02 Notice shall be amended to read as follows:

Prior to a determination by the Planning Commission on a Tree Removal Permit application, or a "no tree" or "replacement not feasible" affidavit, notice of the application or affidavit and the date, time and location of a Planning Commission meeting at which the application or affidavit will be considered shall be published in a paper of general circulation within the Township. A copy of the notice shall be mailed to those persons to whom real property adjacent to the proposed activity is assessed, including property directly across public rights-of-way and easements.

A. Where the proposed activity does not require site condominium or plat approval, the notice shall indicate a date prior to which written comments regarding the application or affidavit may be submitted to the Township of consideration by the reviewing authorities.

Planning Commission may allow for an increased height when determined that the applicant has demonstrated that the additional height is necessary for safety and security purposes.

- (8) Signs shall be illuminated only in accordance with the regulations set forth in this ordinance. In addition, signs within residential districts shall not be illuminated.

### **Section 7.7 Landscaping and Screening.**

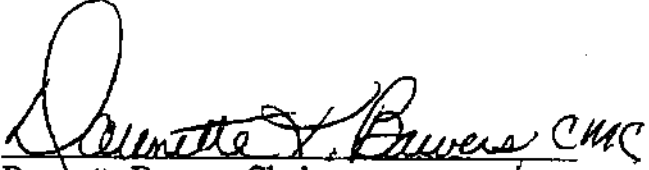
(a) The purpose of this section is to:

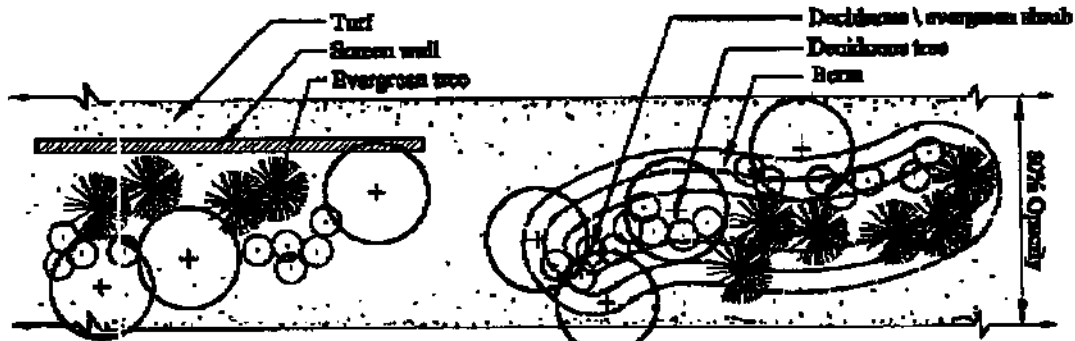
- (1) Protect and preserve the appearance, character, and value of the community.
- (2) Minimise noise, air, and visual pollution.
- (3) Improve the overall aesthetics and appearance, divide the expanse of pavement, and define parking areas and vehicular circulation within off-street parking lots and other vehicular use areas.
- (4) Require buffering of residential areas from more intense land uses and public road rights-of-way.
- (5) Prevent soil erosion and soil depletion and promote sub-surface water retention.
- (6) Encourage an appropriate mixture of plant material, including, but not limited to evergreen and deciduous trees and shrubs, to protect against insect and disease infestation and produce a more aesthetic and cohesive design.
- (7) Encourage the integration of existing woodlands in landscape plans.

(b) Application of Requirements. These requirements shall apply to all uses for which site plan review is required under Section 3.4 of this Ordinance, condominium and site condominium review as required under Section 3.5 of this Ordinance, and subdivision plat review as required under the Subdivision Control Ordinance. No site plan, condominium/site condominium plan, or subdivision plat shall be approved unless a landscape plan is provided which meets the requirements set forth herein.

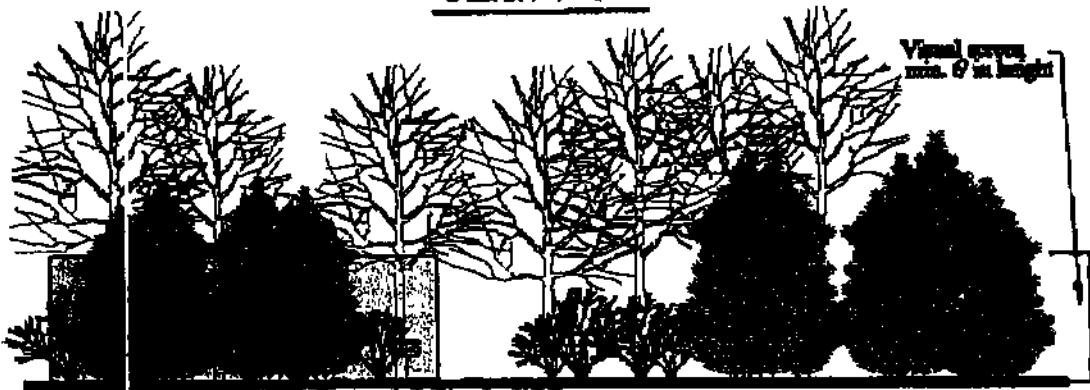
(c) Landscape Plan Requirements. A separate detailed landscape plan shall be required to be submitted to the Township as part of the site plan review or tentative preliminary plat review. The landscape plan shall demonstrate that all requirements of this section are met and shall include, but not necessarily be limited to, the following items:

- (1) Location, spacing, size, root type and descriptions for each plant type.
- (2) Typical straight cross section including slope, height, and width of berms.

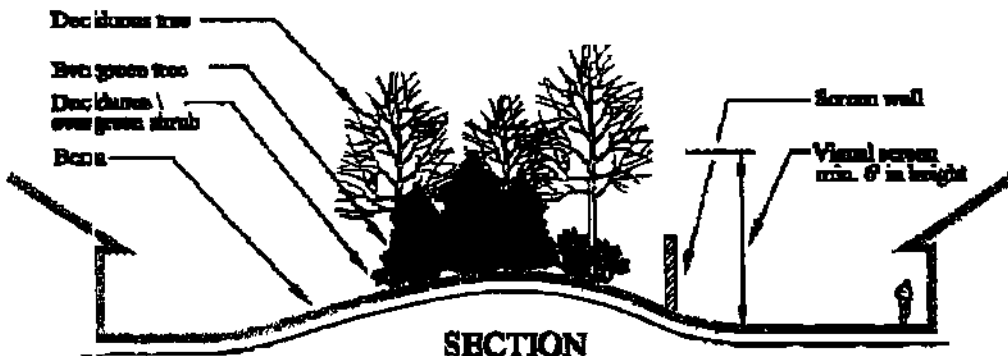
  
Dawhette Bowers, Clerk



**PLAN VIEW**



**ELEVATION**



**SECTION**

# **SCREENING BETWEEN CONFLICTING LAND USES**

- Screening options
- Landscape barrier
- Earth to earth
- Wall
- Combination of the above

Prepared By:  
 Outside / woman Associates, Inc.  
 Community Planning and Landscape Architects  
 Ann Arbor, Michigan



in height or greater, that are proposed to remain, to be transplanted, or to be removed from the areas for which a tree removal permit is required, shall be so designated and identified by common or botanical name on a minimum one inch equals 100 feet scale drawing.

Section 5. Amendment of Section 7.04.

Section 7.04.A. of Ordinance 04-01 shall hereafter read:

A. Where the proposed activity requires site plan, site condominium, or plat review, and is located on a site with no permitted trees of six d.b.h. or greater, no prohibited trees of nine d.b.h. or greater, no conifers of 20 feet in height or greater, or on a site where it is not feasible to replace trees required by this Ordinance to be replaced, the developer shall, at the time of plan, plat, or application submittal, submit either a ~~no tree~~ or a ~~replacement not feasible~~ affidavit, as appropriate.

Section 7.04.C. of Ordinance 01-04 shall hereafter read:

C. If, during the inspection by the township, the site is found to have tree specimens of a c.b.h. or height greater than that specified in Section 7.04.A., or if it is found that a tree replacement program is feasible, the township shall require the developer to request a Tree Removal Permit.

Section 6. Amendment of Section 8.10.

Section 8.10 of Ordinance 04-01 shall hereafter read:

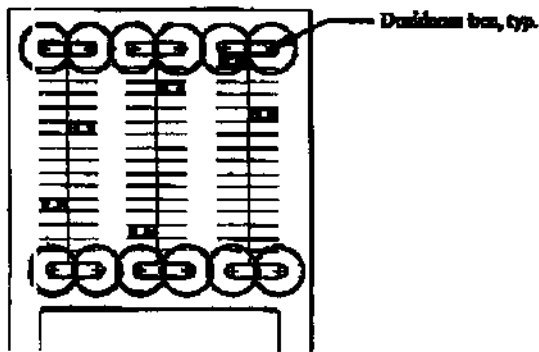
The proposed activity shall include necessary provisions for tree relocation or replacement in accordance with Article IX, and tree protection in accordance with Article X.

A. Limitation. Tree removal or transplanting shall be limited to instances where:

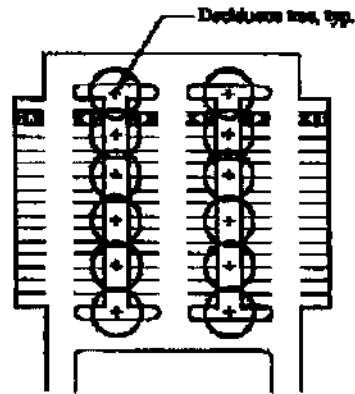
1. Necessary for construction - removal or transplanting is necessary for the construction of a building, structure or other site improvement, and the permit application has shown there is no feasible and prudent location alternative on-site for a proposed building, structure or other site improvement; or
2. Disease, damage, etc. - the tree is an ash tree, or is dead, diseased, sick, damaged or in danger of falling, is located too close to existing or proposed buildings or structures, interferes with existing utility service or drainage, creates unsafe vision clearance or does not conform to the other township ordinances or regulations.

Section 7. Amendment of Article IX.

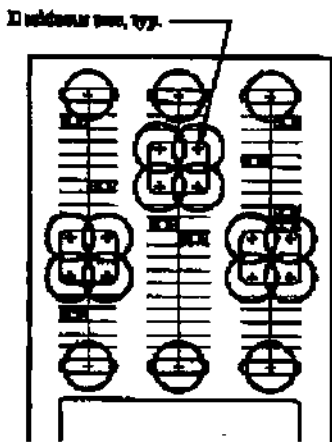
Article IX of Ordinance 01-04 shall hereafter read:



**TREES IN END ISLANDS**



**LANDSCAPE MEDIAN**



**LANDSCAPE ISLANDS**

**DESIGN OPTIONS  
FOR LANDSCAPING  
WITHIN PARKING LOTS**

Prepared by:  
Curtis / Weston Associates, Inc.  
Community Planning and Landscape Architects  
Ann Arbor, Michigan

replacement tree calculations, the caliper inches of all trees removed which exceed six inches d.b.h., after the credit for the first six inches is applied, shall be added together in the aggregate and divided by 2.5 to determine the number of replacement trees. In the event that the aggregate number of total inches removed after deduction of the credits would result in a partial or fractional replacement the aggregate of all caliper inches removed shall be rounded up to provide for replacement of one additional tree for the aggregate. [For example, if the total caliper inches of all trees removed (not identified as prohibited trees and which exceed six inches d.b.h.), was 1253 caliper inches, then replacement would be provided as follows: 1253 caliper inches divided by 2.5 inch replacement tree = 501.2 replacement trees. Since this results in a fraction of 501 replacement trees with the .2" fractional remainder, the 501.2 replacement trees would be rounded up to require a total of 502 replacement trees of at least 2.5 inches d.b.h. each].

### C. Replacement of Conifers.

Replacement of coniferous trees shall be based upon total height, with no replacement tree having a height of less than six feet. If it is determined, based upon the opinion of a registered forester or registered landscape architect, that replacement to the extent required under this provision will result in plantings which do not have sufficient area for growth in the future, a reduction in the requirement specified in this paragraph may be permitted to the extent necessary to insure adequate room for growth, with the provisions of section 9.02 to apply with regard to those trees which have not been planted under this provision.

### Section 8. Repeal of conflicting ordinances; severability.

All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed. If any part of this ordinance is found to be void by any court of competent jurisdiction, said part shall cease to be included in this ordinance, but the remainder of said ordinance shall remain in full force and effect.

### Section 9. Effective date.

This ordinance shall be effective the earliest date permitted by law after publication.

This Ordinance is said to have had its first reading by the Township Board of the Charter Township of Huron, County of Wayne, Michigan at their regular meeting called and held on the 14<sup>th</sup> day of December, 2005 and the second reading and adoption at the regular meeting held on the 18<sup>th</sup> day of January 2006 and ordered to be published in the manner described by law.

Dawnette K. Bowers, CMC  
Charter Township of Huron

Publish: HVNH 01/25/06

(f) **Greenbelts.** A greenbelt shall be provided, the depth of which shall be the applicable zoning district's required yard setback dimension as measured around the entire perimeter of the development, and be landscaped as follows and as depicted in Exhibit #4:

- (1) The greenbelt shall be landscaped with a minimum of one (1) tree for every thirty (30) lineal feet, or fraction thereof, of the entire parcel perimeter. Non-ornamental deciduous trees within a greenbelt shall be a minimum caliper of two and one-half (2 1/2) inches or greater. Evergreen trees within a greenbelt shall be a minimum height of six (6) feet.
- (2) If ornamental deciduous trees are substituted for either non-ornamental deciduous trees or evergreen trees, they shall be provided at a minimum of one (1) tree for every twenty (20) lineal feet, or fraction thereof, of frontage abutting a public road right-of-way. Ornamental deciduous trees within a greenbelt shall be a minimum caliper of two (2) inches or greater.
- (3) Existing trees may be counted towards the greenbelt planting requirements provided they are located within the perimeter setback area as defined above. However, mitigation/replacement trees may not be used to satisfy the greenbelt planting requirements.
- (4) In addition to the required trees within the greenbelt, the remainder of the greenbelt shall be landscaped in grass, ground cover, shrubs and other natural landscape materials.
- (5) Access drives from public rights-of-way through required greenbelts shall be permitted, but such drives shall not be subtracted from the lineal dimension used to determine the minimum number of trees required.
- (6) The only circumstance under which the greenbelt depth can be modified is as follows:
  - A. An existing lot is less than the minimum lot width requirements of the ordinance and thus results in a restricted building site. Under these circumstances the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than 50% of the required front yard setback.
  - B. When no more than 20% of the required parking is provided between the building and the front property line, the Planning Commission may consider a reduced front yard greenbelt which in no case shall be less than ten (10) feet.
  - C. When a parcel abuts a non-residentially zoned or used lot, the side and rear greenbelts may be reduced to no less than ten (10) feet.

- (3) Typical construction details to resolve specific site conditions, including, but not limited to landscape walls and tree wells used to preserve existing trees or maintain natural grades.
- (4) Details in either text or drawing form to ensure proper installation and establishment of proposed plant materials.
- (5) Identification of existing trees and vegetative cover to be preserved.
- (6) Identification of grass and other ground cover and method of planting.
- (7) Identification of landscape maintenance program including statement that all diseased, damaged, or dead materials shall be replaced in accordance with standards of this Ordinance.

(d) Screening Between Land Uses.

- (1) Upon any improvement for which a site plan is required, a landscape buffer shall be constructed to create a visual screen at least six (6) feet in height along all adjoining boundaries between either a conflicting non-residential or conflicting residential land use and residentially zoned or used property (see Exhibit #1). A landscape buffer may consist of earthen berms and/or living materials so as to maintain a minimum opacity of at least eighty (80%) percent. Opacity shall be measured by observation of any two (2) square yard area of landscape screen between one (1) foot above the established grade of the area to be concealed and the top or the highest point of the required screen. The plantings must meet this standard based upon reasonably anticipated growth over a period of three (3) years.
- (2) Where there is a need to provide a greater noise or dust barrier or to screen more intense development, a solid wall or fence shall be required by the Township. Such wall or fence shall be a minimum of six (6) feet in height as measured on the side of the proposed wall having the higher grade (see Section 5.6, Fences, Walls and Screens).

A required wall shall be located on the lot line except where underground utilities interfere and except in instances where this Zoning Ordinance requires conformity with front yard setback requirements. Upon review of the landscape plan, the Township may approve an alternate location of a wall. The Township shall approve the construction materials of the wall or fence which may include face brick, poured-in-place simulated face brick, precast brick face panels having simulated face brick, stone or wood.

(g) Site Landscaping. In addition to any landscape greenbelt and/or parking lot landscaping required by this section, ten (10%) percent of the site area, excluding existing public rights-of-way, shall be landscaped. Such site area landscaping may include a combination of the preservation of existing tree cover, planting of new trees and plant material, landscape plazas and gardens and building foundation planting beds. Site area landscaping shall be provided to screen potentially objectionable site features including, but not limited to, transformer pads, air-conditioning units, and loading areas.

(h) Stormwater Retention/Detention Basins. All such ponds shall be designed as an integral part of the overall site plan and considered a natural landscape feature having an irregular shape. The following standards shall be considered minimum landscaping requirements for the zones within a retention/detention pond/basin:

(1) Retention/Detention Pond/Basin Zones.

- A. Pond Zone (depths from 0 to 3 feet). Plants in this zone are entirely or partially submerged, utilize nutrients from storm water runoff, and provide habitat for wildlife including, but not limited to waterfowl and aquatic insects.
- B. Edge Zone (permanent water elevation to high water mark). Plants in this zone can withstand periods of inundation and drought and function to stabilize the side slopes of the basin, utilize nutrients, provide habitat for waterfowl, reduce water temperatures, and conceal drawdown in typical mowed ponds.
- C. Upland Zone (high water mark to 100-year floor elevation and beyond). Plants in this zone can withstand periods of inundation and drought and function to stabilize side slopes, provide habitat for waterfowl, songbirds and other wildlife, consist of low maintenance species, and are selected based on soil condition and light, and function as little or no inundation of storm water may occur.

(2) Minimum Planting Standards by Zone.

- A. Pond Zone. Plants shall be a combination of submerged, emergent and wetland edge plantings, generally plugs and bare-root stock, and consisting of no less than four (4) plant species or a suitable seed mix. No less than 25% of the outer fifteen (15) foot perimeter of the zone shall be landscaped as noted.
- B. Edge Zone. Plants shall be a combination of wetland edge or sedge meadow seed mixes. No less than 50% of the zone shall be landscaped as noted.

(e) Parking Lot Landscaping.

- (1) Required Landscaping Within Parking Lots. Separate landscape areas shall be provided within parking lots in accordance with the following requirements and Exhibit #2:
- A. There shall be a minimum of one (1) tree for every eight (8) parking spaces, provided that a landscape island shall be provided for no more than sixteen (16) continuous spaces.
  - B. Landscaping shall be arranged in curbed islands within the parking lot which shall not be less than fifty (50) square feet in area.
  - C. A minimum distance of three (3) feet from the backside of the curb and the proposed landscape plantings shall be provided. Where vehicles overhang a landscape island or strip, a minimum distance of five (5) feet from the backside of the curb and the proposed landscape plantings shall be provided.
  - D. Each interior parking lot island shall be no less than ten (10) feet wide.
  - E. The Township, at its discretion, may approve alternative landscape plantings at the perimeter of parking lots where landscaping within parking lots would be impractical due to the size of the parking lot or detrimental to safe and efficient traffic flow, or would create an unreasonable burden for maintenance and snowplowing.
- (2) Required Landscaping at the Perimeter of Parking Lots. Separate landscape areas shall be provided at the perimeter of parking lots in accordance with the following requirements and Exhibit #3:
- A. Parking lots which are considered to be a conflicting land use as defined by this Section shall meet the screening requirements set forth in subsection 7.7(a) above.
  - B. Parking lots shall be screened from view with a solid wall at least three (3) feet in height along the perimeter of those sides which are visible from a public road. The Township, at its discretion, may approve alternative landscape plantings in lieu of a wall.

would be enhanced through the addition of landscaping. Where applicable, all such areas shall be sided or hydro-seeded to minimize weeds and invasive species.

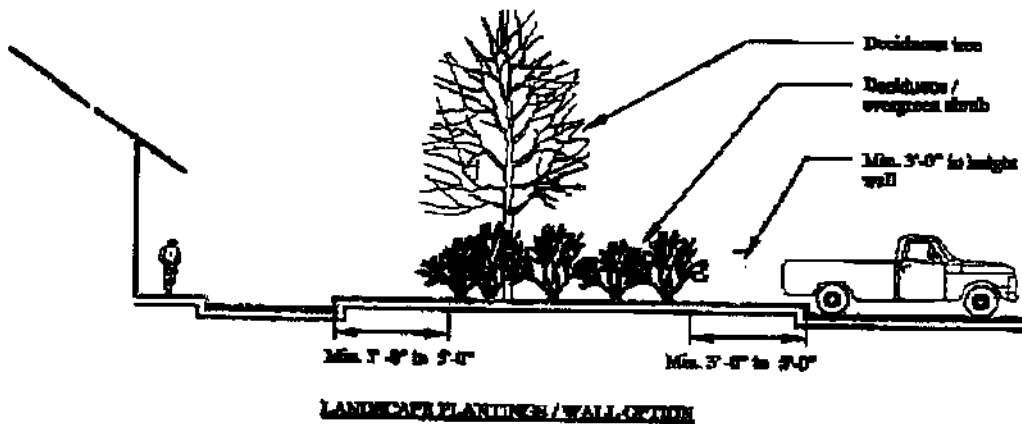
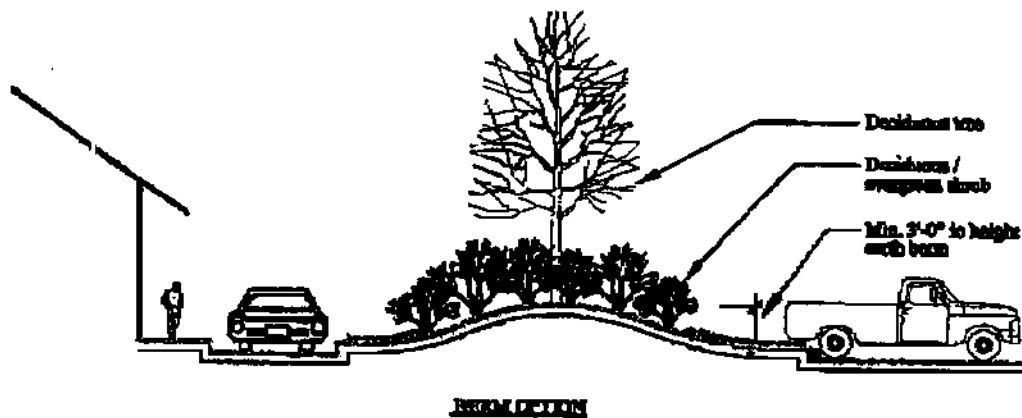
(j) Screening of Trash Containers.

- (1) Outside trash disposal containers shall be screened on all sides with an opaque fence or wall, and gate at least as high as the container, but no less than six (6) feet in height, and shall be constructed of material which is compatible with the architectural materials used in the site development.
- (2) Containers shall be consolidated to minimize the number of collection sites, and located so as to reasonably equalize the distance from the buildings they serve.
- (3) Containers and enclosures shall be located away from public view insofar as possible.
- (4) Containers and enclosures shall be situated so that they do not cause excessive nuisance or offense to occupants of nearby buildings.
- (5) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers having a capacity of six (6) 30-gallon cans or more. Aprons shall be provided for loading of bins with a capacity of 1.5 cubic yards or more.
- (6) For storage of recyclable materials, the enclosure area and pad size shall be increased to amply accommodate the extra materials and their containers.
- (7) Screening and gates shall be of a durable construction.

(k) Landscape Elements. The following minimum standards shall apply:

- (1) Quality. Plant materials shall be of generally acceptable varieties and species, free from insects and diseases, hardy to southeast Michigan, conform to the current minimum standard of the American Association of Nurserymen, and shall have proof of any required governmental regulations and/or inspections.
- (2) Size. In determining conformance with the planting requirements of this Ordinance, all plant material shall be measured in accordance with the current American Standard for Nursery Stock, ANSI Z60.1.





**DESIGN OPTIONS FOR  
LANDSCAPING AT THE  
PERIMETER OF PARKING LOTS**

Prepared By:  
Curtis / Winters Associates, Inc.  
Community Planning and Landscape Architecture  
Ann Arbor, Michigan

Common NameScientific Name**Flowers and Groundcovers:**

Garlic Mustard

*Alliaria officinalis*

Spotted Knapweed

*Centaurea maculosa*

Crown Vetch

*Coronilla varia*

Queen Ann's Lace

*Daucus carota*

Foxglove

*Digitalis purpurea*

Japanese Knotweed

*Fallopia japonica*

Dame's Rocket

*Hesperis matronalis*

Purple Loosestrife

*Lythrum salicaria*

Myrtle, or Periwinkle

*Vinca minor*

- (4) Installation, Maintenance, and Completion. All landscaping required by this section shall be planted prior to obtaining a certificate of occupancy, unless the time of year prevents planting to commence. In the latter case, cash, a letter of credit, and/or a certified check shall be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed.

If a project is constructed in phases, the landscape may also be constructed in phases. The Township shall determine the extent and timing of landscaping within each phase based on (a) the necessity to buffer the proposed development from adjacent uses; (b) anticipated commencement on subsequent phases; and (c) building heights and physical characteristics of the site including, but not limited to the topography or existing vegetation.

The owner of property required to be landscaped by this section shall maintain such landscaping in a reasonably healthy condition, free from 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.

Minor revisions and deviations from the approved landscape plan may be permitted if approved by the Zoning Administrator. In reviewing such changes, the Zoning Administrator shall ensure that the changes do not constitute a wholesale change of the landscape plan and shall ensure that the revisions to the landscape plan are consistent with the spirit and intent of this article and the previously approved site plan.

- (5) Berms. A berm shall consist of a minimum height of five (5) to six (6) feet with a side slope no steeper than 3:1 (three (3) foot horizontal to one (1) foot vertical). The top of all berms shall have a level horizontal area of at least four (4) feet in width.

The berm shall be graded in a manner that will blend with existing topography, shall be graded smooth, and shall be appropriately sodded, seeded and mulched, or planted. Included, as part of the berm shall be deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

(6) Existing Trees. The preservation and incorporation of existing trees is encouraged. See Ordinance No. 99-2, as amended, for all applicable tree preservation and mitigation requirements.

(1) Minimum Size and Spacing Requirements. Where landscaping is required the following schedule sets forth minimum size and spacing requirements for representative landscape materials. All plantings shall be located no less than half of the recommended on-center spacing from all on- and off-site structures:

**SIZE AND SPACING REQUIREMENTS**

	Minimum Size Allowable				Recommended On-Center Spacing			
	Height		Caliper		(in feet)			
TREES	6'	3'-4'	2"	2.5"	30	25	15	10
<b>Evergreen Trees:</b>								
Fir	◆						◆	
Spruce	◆						◆	
Pine	◆						◆	
Hemlock	◆						◆	
Douglas Fir	◆						◆	
<b>Narrow Evergreen Trees:</b>								
Red Cedar		◆						◆
Arborvitae		◆						◆
Juniper (selected varieties)		◆						◆
<b>Large Deciduous Trees:</b>								
Oak				◆	◆			
Maple				◆	◆			
Beech				◆	◆			
Linden				◆		◆		
Ginko (male only)				◆	◆			
Honeylocust (seedless, thornless)				◆	◆			
Birch				◆		◆		
Sycamore				◆	◆			
<b>Small Deciduous Trees (ornamental)</b>								
Flowering Dogwood (disease resistant)			◆				◆	
Flowering Cherry, Plum, Pear			◆			◆		
Hawthorn			◆				◆	
Redbud			◆			◆		
Magnolia			◆				◆	
Flowering Crabapple			◆				◆	
Mountain Ash			◆				◆	
Hornbeam			◆			◆		

**SIZE AND SPACING REQUIREMENTS (con't.)**

	Minimum Size Allowable				Recommended On-Center Spacing				
	Height		Spread		(in feet)				
	6'	3'-4'	24"-36"	18"-24"	10	6	5	4	3
<b>SHRUBS</b>									
<b>Large Evergreen Shrubs:</b>									
Pyramidal Yew		♦			♦				
Hicks Yew				♦				♦	
Spreading Yew			♦				♦		
Alberta Spruce		♦						♦	
Chinese Juniper Varieties			♦			♦			
Sabina Juniper				♦			♦		
Mugho Pine				♦		♦			
<b>Small Evergreen Shrubs:</b>									
Brown's Ward's Seabion Yews				♦					♦
Horizontalis Juniper Varieties				♦		♦			
Boxwood				♦				♦	*
Euonymus Spreading varieties				♦			♦		
<b>Large Deciduous Shrubs:</b>									
Lilac			♦		♦				
Sumac			♦			♦			
Pyracantha				♦			♦		
Weigela		♦						♦	
Flowering Quince			♦			♦			
Cotoneaster (Peking and Spreading)			♦				♦		
Dogwood (Red Osier & Grey)			♦			♦			
Viburnum varieties			♦			♦			
<b>Small Deciduous Shrubs:</b>									
Spiraea (except Japanese)				♦				♦	
Fragrant Sumac				♦					
Japanese Quince				♦					♦
Cotoneaster (Rockspray, Cranberry)				♦					♦
Potentilla				♦					♦

