

Planning Commission

Larry Fox, Chairperson Michael Mitchell, Vice-Chairperson Tom Murphy, Secretary Summer L. McMullen, Trustee Sue Grissim, Commissioner Jim Mayer, Commissioner Matthew Eckman, Commissioner

Planning Commission Meeting Agenda Hartland Township Hall Thursday, March 09, 2023 7:00 PM

- 1. Call to Order
- 2. Pledge of Allegiance
- 3. Roll Call
- 4. Approval of the Agenda
- Approval of Meeting Minutes

 <u>a.</u> Planning Commission Meeting Minutes of February 9, 2023
- 6. Call to Public
- 7. Public Hearing
 - a. Zoning Amendment #22-001 Ordinance Amendment to Landscape Requirements to Section 5.7 (Dumpster Enclosure); Section 5.11 (landscaping and Screening); and Section 5.26 (Signs)
- 8. Call to Public
- 9. Planner's Report
- 10. Committee Reports
- 11. Adjournment

HARTLAND TOWNSHIP PLANNING COMMISSION DRAFT MEETING MINUTES

February 9, 2023-7:00 PM

1. <u>Call to Order:</u> Vice-Chair Mitchell called the meeting to order at 7:00 p.m.

2. <u>Pledge of Allegiance:</u>

- <u>Roll Call and Recognition of Visitors:</u> Present – Commissioners Eckman, Grissim, Mayer, McMullen, Mitchell, Murphy Absent – Chair Fox
- 4. <u>Approval of the Meeting Agenda:</u> A Motion to approve the February 9, 2023 Planning Commission Meeting Agenda was made by Commissioner Grissim and seconded by Commissioner McMullen. Motion carried unanimously.

5. Approval of Meeting Minutes:

- a. Planning Commission Meeting Minutes of January 26, 2023
 - A Motion to approve the Planning Commission Meeting Minutes of January 26, 2023 was made by Commissioner Eckman and seconded by Commissioner Murphy. Motion carried unanimously.
- 6. <u>Call to the Public:</u> None

7. Public Hearing

a. Rezoning Application #23-001 (Bergin Road and Old US-23) request to rezone 158.8-acre undeveloped parcel located west of Old US-23 and south of Bergin Road from CA Conservation Agriculture to LI Light Industrial.

Vice-Chair Mitchell opened the Public Hearing at 7:05 PM stating all public notice requirements for the Public Hearing have been met.

Director Langer gave an overview of the location and scope of the request stating the following:

- Located west of Old US-23 and south of Bergin Road.
- 158.8 acres
- Request to rezone from CA Conservation Agriculture to LI Light Industrial.
- No proposal or development plan was provided but even if there were, the Planning Commission needs to consider all of the permitted uses, not only the one submitted as a concept.
- This is the first step in a Rezoning request. After the Public Hearing at the Planning Commission, the Planning Commission offers a recommendation to the Township Board. The request will also be heard by the Livingston County Planning Commission, and they will make a recommendation. The last step is that the request be heard and ultimately decided by the Township Board.

The Applicant, Tom Kalas representing Szerene Land, LLC introduced himself to the Planning Commission and stated the following:

- Proposing rezoning from CA to LI
- Feels this is the appropriate zoning because of the flexibility of uses under the LI Light Industrial zoning district.
- Today's economy demands uses that can be found in the LI district.
- Not marketable or economically feasible under the current zoning.
- Current Conservation Agriculture zoning calls for large lots for residential use.
- Future Land Use Map calls for Medium Density Urban Residential, single-family detached housing, 12,000 square foot lots roughly eighty (80) by one-hundred fifty (150) foot lots; these lots in today's marketplace are not in demand as it is currently extremely expensive to build a house on an eighty (80) foot wide lot.
- Light Industrial lots are selling, and the zoning ordinance allows many different uses and special land uses.
- Everything has changed from three years ago due to the pandemic.
- Feel LI is the appropriate zoning district for this property.

Call to the Public

- Maik Lauterbach President of Meadowview Estates HOA: does not support the rezoning, asked for data to support the lack of demand for housing. Feels there is a demand for residential housing development in this area.
- No name given, Hartland Township; does not support the rezoning, also feels there is a demand for residential housing. Concerns for future housing values for some of their development's nicest houses, also concern for wells and drinking water.
- Maik Lauterbach; confirmed there are two houses recently finished in their subdivision and another planned to be built indicating there is a demand for residential housing in this area.
- Nick Saroli, Hartland Township; does not support the rezoning, expressed concern for what could be built there under LI. Also has concerns for Blaine Lake.
- Jerry Millen, Hartland Township; does not support the rezoning, expressed concern for what could be built.
- Michael Martz, Howell; mother lives in Meadowview Estates, does not support rezoning, believes we need more land for residential development, sees a need for more residential properties to bring the other businesses in.
- Katheen Damico, Hartland Township; does not support the rezoning, feels residential development would be a better source of tax revenue than commercial.
- Aaron Krese, Hartland Township; does not support the rezoning, wants to keep the rural character of Old US 23, expressed concern for the wildlife and the wetland areas. Thinks this property should be in a conservation district.
- Frank Damico, Hartland Township; Meadowview Estates is one of the most desirable subdivisions in Livingston County, would prefer to see residential development, does not support the rezoning.
- Dave Willacker, property owner of Hartland Commerce Center; recently developed a Medium Density Residential development to the south at Old US 23 and Hyne Roads, Brighton Township. Stated there is a strong demand for that sort of residential development. Also developed Cobblestone Preserve with several amenities to support and encourage the rural character of the area. Does not support the rezoning as there are so many uses that could take place that may not be best for this area.

- Russel Long, Vice-President for Pleasant Valley Home Owner's Association, Hartland Township; stated there is a demand for houses in this area, removing this property from a Medium Density Residential FLUM designation seems like a mistake, has concerns for spring-fed waterbodies in the area, does not feel it is the best use of the land.
- Jason Shippy, Hartland Township; moved to the Meadowview Estates for the rural character and feels this change would not be good for the area, concerned about possibility of noise pollution from Light Industrial uses.
- Allison Stoecker, Hartland Township; new to the area, took three years to be able to purchase a house where they wanted to be, a unique area, concerned this rezoning would cause this area to lose something special.
- Michael Hall, Hartland Township; stated he speaks for everyone present, they do not want this rezoning and all the headaches that go with living near Light Industrial uses. He has concerns for the environment.

Vice-Chair Mitchell closed the Public Hearing at 7:41PM

Zoning Map Amendment Criteria (Section 7.4.3)

Section 7.4.3.A. Consistency with the adopted Comprehensive Plan (2020-2021 Comprehensive Plan Amendment).

Vice-Chair Mitchell stated the proposed rezoning request, to rezone the property to LI (Light Industrial), is not consistent with the FLUM and Comprehensive Plan which designates the property as Medium Urban Density Residential.

Section 7.4.3.B. Compatibility with the site's physical, geological, hydrological and other environmental features.

Vice-Chair Mitchell stated the property consists of wetland areas, open fields, and wooded areas. A natural features inventory has not been completed at this point to verify wetland areas on the site.

Section 7.4.3.C. Reasonable return on investment with current classification of CA.

Vice-Chair Mitchell stated the Applicant has not provided any documentation to support their claim that the property is not marketable under the current zoning or what uses they have planned.

The Applicant responded stating the following:

- He understands the size of the parcel and beauty of the area cause concern for the residents.
- Cannot build a subdivision and incur all of the development costs on 158 acres for a profit; would go bankrupt within two years.
- This property has been marketed for years for residential use by experienced developers with no interested buyers.
- Two years ago, his client sold 14 acres on the east side of Old US 23 for industrial use.
- In other townships and counties what is being sold and built on currently is mini-storage, Light Industrial, buildings for research and technology, other Light Industrial uses contained wholly within the building; not heavy Industrial type uses but uses that are compatible with the area.
- To the north, Light Industrial property; to the east, Industrial property. If developed for residential, it would be abutting those uses, which would not be marketable.
- There is a significant forest area, approximately 100 feet, and wetland areas buffering both sides of the property between the subdivision and this parcel.

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- Hartland Township Zoning Ordinance provides adequate buffering and screening between Light Industrial properties and Residential properties.
- If it were ten (10) or fifteen (15) acres, it would have been developed as Residential.
- The size, 158 acres, needs the flexibility of uses provided in the Ordinance for Light Industrial to make it economically feasible.
- If one cannot use one's land under the current zoning, it is considered a "taking" which is illegal.
- It needs to be rezoned to be marketable and sell.
- In the future, someone may come along with a concept to building homes on the western side; if it is vacant, that could happen.
- Currently zoned CA they are limited to large two-acre lots, the FLUM calls for Medium Density which are 80 foot wide single family detached lots, cannot even build duplexes,
- What is selling is technology, banks, restaurants; uses that are marketable and feasible in todays and the foreseeable future market.

Section 7.4.3.D. Compatibility of all potential uses allowed in the proposed LI District with surrounding uses and zoning.

Vice-Chair Mitchell stated he believes that has been covered by the comments from the Applicant.

Section 7.4.3.E. Capacity of infrastructure and other public services and street system.

Vice-Chair Mitchell stated this parcel has neither sewer nor water available on site; it ends at Bergin Road and may be able to be extended but no public water is available. Also, Old US 23 is under the jurisdiction of the Livingston County Road Commission but there has not been a traffic study to indicate if these roads could adequately support permitted uses in the LI (Light Industrial) zoning category.

Director Langer stated regarding the public sewer options, this property is outside of the urban service district. A capacity study would need to be completed, and the Township is currently reaching its peak limit on available REUs. The likelihood of sewer being extended is not very good. There is a memo from the Department of Public Works Director included in the packet.

Section 7.4.3.F. Capability of the street system to accommodate the expected traffic generated by uses allowed in the requested zoning district.

Vice-Chair Mitchell reiterated there has not been a traffic impact statement completed for this property so that would still be unknown.

Section 7.4.3.G. Apparent demand for uses permitted in the requested zoning district.

Vice-Chair Mitchell stated again the Applicant spoke to this earlier, but as mentioned before, the requested zoning is not compatible with the FLUM. There is a sizable quantity of land available in the Township for Light Industrial or Planned Industrial Research and Development (PIRD).

Section 7.4.3.H. Ability to comply with zoning regulations.

Vice-Chair Mitchell stated without further information the Township cannot determine if the property is sufficiently large enough to accommodate Light Industrial development outside of any regulated wetlands on the property.

Section 7.4.3.I. Appropriateness of the requested zoning district. Vice-Chair Mitchell stated the FLUM indicates other areas of LI available. Section 7.4.3.J. Amendment of permitted or special uses versus rezoning. Vice-Chair Mitchell stated there is a wide variety of uses permitted in LI zoning.

Section 7.4.3.K. Exclusionary and Spot Zoning Issues.

Director Langer stated it is good to have the comments shared tonight but there is a long history of case law where if municipalities do not follow their own rules and procedures, the court system can take control and neither the Township nor the residents have a say in the outcome. The Planning Commission is diligent about sticking to the criteria regarding a rezoning request; one of the criteria is the resulting rezoning would not result in exclusionary or spot zoning.

Commissioner Eckman commented he is not in favor of this rezoning based significantly on the Future Land Use Map and he does not feel he has the expertise to say whether or not something is more marketable with a different zoning; he would need to see more data to support the current zoning or FLUM category limiting the property owner's use or a "taking."

Commissioner Murphy stated he agrees with Commissioner Eckman and that a lot of time and effort when into modifying the Future Land Use Map in 2021, and this property is properly listed and planned for a future Residential use. He appreciated the residents who came forward to share their comments.

Commissioner Mayer stated he also agrees with what has been said; the Zoning Map and Future Land Use Map were heavily reviewed recently. This has caused undo stress to the neighboring residents here today and he does not support the proposed rezoning.

Commissioner Grissim stated she had nothing more to add other than as said previously, there is not enough data to make the kind of change requested. The Planning Commission worked hard on the Comprehensive Plan trying to be fair and represent what Hartland Township is about, what the needs are. This is not what all the professionals we worked with told us. She feels it should remain as currently zoned.

Commissioner McMullen stated she would echo what has been said and feels not enough information was provided as to the intent of the Applicant.

The Applicant stated the data is there is a large tract of land sitting undeveloped. If it were able to be developed as it is, it would have been. As far as marketability, it is sitting vacant; that should tell you all you need to know.

Commissioner Grissim offered the following MOTION:

The Planning Commission Recommends Denial of Rezoning Application #23-001 based on the following findings:

1. The requested rezoning of the subject property from CA (Conservation Agricultural) to the LI (Light Industrial) zoning classification is not consistent with the Township's Comprehensive Development Plan, which indicates the property should be developed as Medium Urban Density Residential.

- 2. The requested rezoning of the subject property from CA to the LI zoning classification would further extend the Township's intended Light Industrial development farther into existing and future residentially developed areas.
- **3.** The site is not adequately serviced by services such as water and sanitary sewer which would better suit the uses permitted in the LI (Light Industrial) zoning district.
- 4. The requested rezoning of the subject property to LI (Light Industrial) will decrease the amount of land designated as Medium Urban Density Residential on the 2020-2021Amendment to the Hartland Township Future Land Use Map (FLUM), by approximately seventeen percent (17%).

Seconded by Commissioner Murphy. Motion carried unanimously.

8. <u>Call to the Public:</u>

- Maik Lauterbach, Hartland Township; stated he feels the problem with the property is not only the difficulties of the last few years but also the price is too high for the amount of land that can be used and developed due to the wetlands.
- No name given; Hartland Township; feels there is no reason why this property cannot be developed with large lots as others in the area have been.
- Aaron Krese, Hartland Township; stated it is important for the community to be involved and continue to be involved.
- Jerry Millen, Hartland Township; feels property overpriced. Should not give them a blank check without a plan.
- Katheen Damico, Hartland Township; stated there are housing developments being constructed right off Old US 23 farther south.
- No name given; asked what the next steps in the process are. Director Langer explained the request will next be heard in front of the Livingston County Planning Commission and eventually the Hartland Township Board will make the final decision. The audience member went on to say she appreciated Commissioner Murphy's comments and referenced the lack of development in Hartland Towne Square due to needing more "rooftops."

9. <u>Planner Report:</u>

Director Langer reported the following:

- Upon request from a Planning Commissioner, the Director explained the history of the Township sanitary sewer system and the rapidly approaching REU limit. The Planning Commission discussed the ramifications of reaching the REU limit and what options may be available for future projects.
- Joint Meeting with the Township Board, the Planning Commission and the Township Attorney is currently being planned but a date has not been finalized.

10. <u>Committee Reports:</u>

Director Langer stated the Ordinance Review Committee is reviewing a Solar Farm Ordinance.

11. Adjournment:

A Motion to adjourn was made by Commissioner Eckman and seconded by Commissioner Murphy. Motion carried unanimously. The meeting was adjourned at approximately 8:32 PM.

Hartland Township Planning Commission Meeting Agenda Memorandum

Submitted By: Troy Langer, Planning Director

Subject: Zoning Amendment #22-001 – Ordinance Amendment to Landscape Requirements to Section 5.7 (Dumpster Enclosure); Section 5.11 (landscaping and Screening); and Section 5.26 (Signs)

Date: March 2, 2023

Recommended Action

Move to recommend approval of Zoning Amendment #22-001, Ordinance Amendment to Landscape Requirements in Section 5.7 (Dumpster Enclosure); Section 5.11 (Landscaping and Screening); and Section 5.26 (Signs)

Discussion

Per the Hartland Township Zoning Ordinance (Section 7.4) and the State Enabling Act, a public hearing is required for a Zoning Ordinance Text Amendment. A public hearing was originally scheduled for Zoning Amendment (ZA) #22-001, to be held at the August 11, 2022 Planning Commission meeting. Unfortunately, a quorum of the Planning Commission was not available for that date and the public hearing did not occur. The remaining Planning Commission meetings from September through December 2022 and into January and February of 2023 have been scheduled with development projects and proposals.

A new legal notice was published for the public hearing for ZA #22-001, to be held at the March 9, 2023 Planning Commission meeting.

This staff memorandum is the same version as the one dated August 4, 2022, which was for the public hearing originally scheduled for the Planning Commission meeting on August 11, 2022. The attachments are the same as well.

The Ordinance Review Committee (ORC) and has been working on an ordinance amendment regarding landscaping and screening requirements in the Zoning Ordinance as outlined in Section 5.11 (Landscaping and Screening). Section 5.7 (Dumpster Enclosure) provides standards for dumpster enclosures, including landscaping requirements around the enclosure (Section 5.7.5.) and is part of the discussion as well. Similarly, landscaping requirements associated with monument signs are found in Section 5.26.8.M.ii.b., thus this is also part of the amended language.

The ORC examined landscape standards and ordinances from many other communities, including the following communities:

Ann Arbor Township Brighton Township Commerce Township Genoa Township Green Oak Township City of Novi West Bloomfield Township ZA #22-001 Amend Landscape Requirements March 2, 2023 Page 2

The research included townships comparable to the size and character of Hartland Township as well as several cities which had some notable landscape standards to consider such as plant material options and design options for screening parking lots and detention areas.

The ORC met on several occasions to discuss potential revisions to various sections of the current landscape ordinance and offer guidance to Planning staff in their efforts to prepare a draft version of the amended ordinance. The intent of the modifications to the ordinance is to both simplify and update the current landscape requirements where necessary and to make it "user friendly" for staff, applicants, and the general public. Additionally, the goal is to reduce planting requirements where possible and allow for flexibility in the landscape standards and overall design.

Planning staff worked with Planning Commissioner Grissim, a member of the ORC, on the project. Several draft versions of the ordinance were presented to the ORC for their input. Memorandums were sent to the Planning Commission in 2018 and 2020 which provided updates on the project.

A draft version of the amended ordinance was recently presented to the Planning Commission at their Work Session on June 9, 2022. The discussion was continued at the Planning Commission Work Session on June 23, 2022, and at that meeting the Planning Commission initiated a zoning ordinance amendment to the landscape requirements as outlined in Section 5.7, 5.11, and 5.26.

The amended language applies primarily to Section 5.11 (Landscaping and Screening), with minor changes to Section 5.7.5 (Dumpster Enclosure) and Section 5.26 (Signs), where landscape requirements apply to monument signs. The proposed changes are too numerous to list individually in this memorandum thus a general summary of the revisions is provided below.

The first section lists landscape standards that are proposed to be eliminated or reduced regarding plant material. The remaining sections list proposed updates and reorganization of the Landscape and Screening Ordinance. Please note that the section references below are based on the current Zoning Ordinance designations.

Modifications to plant material requirements:

- 1. Eliminate landscaping requirement around a dumpster enclosure (Section 5.7.5.).
- 2. Simplify landscaping requirement for a divider median-eliminate shrub requirement and only require trees and lawn/live plantings to meet required 80% ground coverage (Section 5.11.2.A.vii.)
- 3. Eliminate landscaping requirement around base of a monument sign (Section 5.11.2.A.ix and 5.26.8.M.ii.b.-Signs). This reduces the number of general landscaping categories from 6 to 5 categories.
- 4. Eliminate the requirement to provide an extra 25% trees and shrubs, above and beyond the minimum required plants (Section 5.11.2.B.i.).
- 5. Reduce foundation planting area width from 10 feet to 8 feet. Allow lawn to be a portion of the foundation planting requirement (Section 5.11.2.D.).
- 6. Eliminate shrub requirement in interior parking lot islands and require lawn and typical number of shade/canopy trees. Require typical number of shrubs/ground coverage/canopy trees in the first row of parking islands closest to the commercial building and/or parking islands located on the perimeter of a parking lot (Section 5.11.2.E.i.d.).
- 7. Eliminate plantings around a masonry screen wall that is located adjacent to a parking lot (Section 5.11.2.E.ii.a.(3)).

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Revise and/or add tables, lists, or drawings

- 1. Update Figure 5.11.2.B.i (Site Landscaping) and provide additional drawings to denote the following areas:
 - End cap
 - Landscape island in parking row (also called landscaped area in parking lot)
 - 15-foot wide landscape area along the length of an internal roadway
 - Perimeter area visible from a public or private road
 - Perimeter area not visible from a public road
 - Buffering and screening
 - Detention basin
- 2. Provide drawing for detention/retention pond grading and landscaping requirements.
- 3. Provide drawing of tree protection fencing.
- 4. Revise berm slopes from 1:4 to over 1:3 with a flatter crest. Revise berm drawing (Section 5.11.2.F.ii.).
- 5. Update/simplify the plant list in Section 5.11.3.C.ii:
 - Require large or small shrubs and eliminate the "medium" shrub category. Revise other sections as necessary where medium shrubs are stated as part of a formula for required landscaping.
 - Update plant chart ("Suggested Plant Materials") for large and small shrubs-shrub names, shrub height/spread at time of planting. Update tree list as necessary (Section 5.11.3.C.ii.). Add an expanded plant list as found in other ordinances.
 - Update Section 5.11.3.C.iv. accordingly, to match plant chart.

Updates and reorganization of Landscape Ordinance

- 1. Reorganize order of some sub-sections, for instance, move the sub-section "Treatment of Existing Plant Material" to "General Site Landscaping", in order to consider existing plants as part of the required plantings where applicable.
- 2. Re-write parking lot landscaping section. (Section 5.11.2.E.).
- 3. Add language to Tree Preservation section. Add requirement for a tree survey by a professional where existing trees are to be preserved and be used to meet tree requirements. Provide a drawing of tree protection fencing, for landscaping to be preserved.
- 4. Require landscape plans to be prepared by a Registered Landscape Architect (RLA), signed and sealed, unless waived by the Planning Commission or Planning Department. Waiver options are provided. This is in place of the current requirement that states the "Planning Commission may require sealed plans when the project is over five (5) acres in size, or part of a Planned Development, or contains unique or natural features that would benefit from that level of expertise". The recommended change would provide a professional level of expertise; reduce the number of mistakes in plant selection and design principles; and make the review process much easier for staff and the applicant (Section 5.11.1.D.).
- 5. Update irrigation standards-irrigation may be waived if the project incorporates landscaping that will contribute points towards LEED certification or equivalent rating system (Section 5.11.2.A.viii.).
- 6. Add requirement to increase the massing of foundation landscaping/plantings proportionately where the building is taller than 1-story, or building height is twenty (20 feet or greater, or building is longer than 70 feet (Section 5.11.2.D.i.g.)
- 7. Reduce parking lot berm screening from 3 feet to minimum of 2 feet in height (Section 5.11.2.E.ii.a.(1)).
- 8. Define the percentage of (tree) heights required for an evergreen tree screen/buffer (Section 5.11.2.G.i.a.).
- 9. Add language to allow "greenbelt" shrubs to count as "parking lot screen shrubs" or plantings for a detention area, where those areas are adjacent to one another, in order to decrease the number of required plants in overlapping areas.
- 10. Revise detention requirements-plantings to be integrated into the overall site design; new planting formula; clarify side slope of basin; and add language that Planning Commission could modify

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detention requirements (plantings) if stormwater collection systems include bioswales, rain gardens and other features that are in place to filter stormwater. Provide drawing of detention pond planting scheme. (Section 5.11.2.H.)

- 11. Clarify depth of mulch requirements around plant material. Clarify that rock, stone, or gravel can only be used in a narrow maintenance strip along building foundations and cannot be used as mulch (Section 5.11.3.C.iv.j.).
- 12. Add section on subdivision planting requirements to require street trees.
- 13. State throughout the ordinance as applicable that landscaped areas must provide 80% bed coverage with plant material at the ground level within two (2) years. This includes parking islands, foundation landscape beds around a building, and any mulched planting beds. The intent is to avoid large, mulched areas with few plants and the potential for weeds.
- 14. Additional language/ revised language as applicable to clarify and simplify the standards as currently stated.

Other comments

Draft drawings are provided as attachments, for General Site Landscaping, Detention/Retention Pond Grading and Landscaping, and Tree Protection Fencing. Other revisions will be necessary for various charts and other drawings currently provided in Section 5.11 (Landscaping and Screening), and those pages are provided as well. The final details on those items will be addressed at a future time when staff will be working with Clear Zoning on the amended ordinance sections.

Process

Zoning Ordinance Text Amendments are outlined in Section 7.4.4 of the Zoning Ordinance, as follows:

- 4. Zoning Ordinance Text Amendment Criteria. The Planning Commission and Township Board shall consider the following criteria for initiating amendments to the zoning ordinance text or responding to a petitioner's request to amend the ordinance text.
 - A. The proposed amendment would correct an error in the Ordinance.
 - B. The proposed amendment would clarify the intent of the Ordinance.
 - C. Documentation has been provided from Township staff or the Zoning Board of Appeals indicating problems or conflicts in implementation or interpretation of specific sections of the ordinance.
 - D. The proposed amendment would address changes to state legislation.
 - E. The proposed amendment would address potential legal issues or administrative problems with the Zoning Ordinance based on recent case law or opinions rendered by the Attorney General of the State of Michigan.
 - F. The proposed amendment would promote compliance with changes in other Township ordinances and county, state or federal regulations.
 - G. The proposed amendment is supported by the findings of reports, studies, or other documentation on functional requirements, contemporary building practices, environmental requirements and similar technical items.

H. Other criteria as determined by the Planning Commission or Township Board which would protect the health and safety of the public, protect public and private investment in the Township, promote implementation of the goals and policies of the Comprehensive Plan and enhance the overall quality of life in Hartland Township.

Based on Section 7.4.4 of the Zoning Ordinance, either the Planning Commission or the Township Board may initiate a Zoning Ordinance Text Amendment. The Planning Commission initiated the amendment at their Work Session on June 23, 2022.

Per the Hartland Township Zoning Ordinance and the State Enabling Act, a public hearing is required for a Zoning Ordinance text amendment. Given the requirements for publishing a notice for a text amendment, the public hearing has been scheduled for the March 9, 2023 Planning Commission meeting.

Attachments:

- 1. Draft Landscape Ordinance with strikeouts dated 07.28.2022 PDF version
- 2. Draft drawing General Site Landscaping PDF version
- 3. Draft drawing Detention/Retention Pond Grading and Landscaping Requirements PDF version
- 4. Draft drawing Tree Protection Fencing PDF version
- 5. Draft edits to drawings and charts PDF version

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5.7 DUMPSTER ENCLOSURE

All dumpster enclosures shall comply with the following requirements:

1. Dumpsters shall be completely enclosed and secured by a decorative masonry screen wall on three sides, and steel reinforced, opaque and lockable wooden gates.

2. The type, color, and pattern of the enclosure materials shall match or complement the exterior façade materials of the building and meet the architectural standards in Section 5.24 if applicable.

3. The height of the enclosure shall be sufficient to completely screen all dumpsters and materials, a minimum of six (6) feet in height.

4. The <u>bottom</u> surface within the enclosure shall be constructed of concrete and shall extend a minimum of ten (10) feet in front of the enclosure.

5. The enclosure shall be screened with plant materials to the satisfaction of the Planning Commission. Such screening shall also meet the requirements of Section 5.11.1., Section 5.11.3., and Section 5.11.4. contained herein unless superseded by the Planning Commission.

5.11 LANDSCAPING AND SCREENING

1. Intent and Scope of Requirements

A. Intent. Landscaping enhances the visual image of the Township, preserving natural features, improving property values, and alleviating the impact of noise, traffic, and visual distraction associated with certain uses. Screening is important to protect less intensive uses from the noise, light, traffic, litter and other impacts of more intensive, nonresidential uses. Lighting and sidewalks create, where appropriate, an important part of the Township's visual image. These provisions are intended to set minimum standards for the design and use of landscaping, greenbelts, screening, lighting, and walkways, and for the protection and enhancement of the Township's environment. More specifically, the intent of these provisions is to:

i. Improve the appearance of off-street parking areas, vehicular use areas, and property abutting public rights-of-way,

ii. Protect and preserve the appearance, character, and value of the neighborhoods that abut nonresidential areas, parking areas, and other intensive use areas, thereby protecting the public health, safety and welfare,

iii. Create a safe and efficient means of pedestrian circulation,

iv. Reduce soil erosion and depletion, and v. Increase soil water retention, thereby helping to prevent flooding.

B. Scope of Requirements. A detailed landscape plan shall be submitted as part of the site plan review process in accordance with the provisions set forth in Section 6.1, Site Plan Review. No site plan shall be approved unless it shows landscaping, screening, buffering, berming grading, walls, fencing, lighting and

sidewalks consistent with the requirements of this Ordinance. Landscaping shall include plant materials such as trees, shrubs, ground covers, perennial and annual plants; landscape elements such as rocks, water features, fences, walls, paving materials, and site lighting; and site furnishings such as benches, drinking fountains, trash receptacles, and planters. All graphics, contained in this Section, are for illustrative purposes only. The requirements in this Section shall not apply to single family detached homes, unless otherwise specifically noted.

C. Minimum Requirements. The requirements in this Section are minimum requirements, and under no circumstances shall they preclude the developer and the Township from agreeing to more extensive standards.

D. Design Creativity for Landscaping. Creativity in landscape design is encouraged. Accordingly, required trees and shrubs may be planted at uniform intervals, at random, or in groupings, depending on the designer's desired visual effect. The developer and landscape professional shall work with the Township to ensure consistency with the character of the area, providing the massing and visual interest to enhance the architecture and ensure coordination of the proposed landscaping with adjoining properties and throughout the community.

A landscape professional shall be professionally trained and have expertise in the area of landscape architecture, horticulture, landscape design or a similar field. Expertise in types of plant material, growth patterns, durability, installation and maintenance is required. The Planning Commission may require sealed plans from a Licensed Landscape Architect when the project is over five (5) acres in size, part of a Planned Development or contains unique or natural features that would benefit from that level of design expertise.

Whenever a landscape plan is required under the provisions of the Ordinance a detailed planting plan of said improvements shall be submitted and approved with the site plan prior to the issuance of a building permit. Unless waived by the Planning Commission, or the Planning Department reviewing the plan, the plan shall be prepared by a landscape architect, registered in the State of Michigan. A waiver could include the following:

i. Minor site plan amendment as outline in Section 6.1.10 of the Zoning Ordinance.

ii. Agricultural operation

iii. Adding a drive-through window in an existing building.

iv. Building addition less than ten percent (10%) of the overall existing building size.

v. Addition of parking spaces that include screening consistent with previously approved landscape plan.

vi. Any other site improvement where the Planning Commission deems such improvements does not require a plan prepared by a registered landscape architect.

2. General Landscaping Requirements

A. General Requirements

i. Standards. All developed portions of the site shall conform to the following general landscaping standards, except where specific landscape elements, such as a greenbelt, berm, or screening are required. All unpaved portions of the site shall be planted with grass, ground cover, shrubbery, or other suitable live plant material, which shall extend to any abutting street pavement edge, <u>unless an</u> <u>alternate material is approved by the Planning Commission</u>.

ii. All planting beds with shrub or groundcover requirements shall provide a minimum eighty percent (80%) ground coverage within two (2) years of planting.

jii. Units of Measurement. For purposes of determining the minimum number of live plant materials required for a site, when the calculation results in a fractional number, any fraction of less than one-half (1/2) may be disregarded, while a fraction of one-half (1/2) or more shall be counted as a requirement for one plant.

ivii. Lot Frontage Measurement. For purposes of determining the minimum number of live plant materials required for a site, lot frontage shall mean the distance between the two side lot lines of a lot or parcel of land as measured at the road and shall include any openings for driveways, sidewalk, or easements.

iv. Lawn Areas. Grass areas in the front yard of all non-residential uses shall be planted with sod or hydro-seeded.

v. Maintenance of Unobstructed Visibility. No landscaping shall be established or maintained on any parcel or in any parking lot that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions concerning clear vision area set forth in Section 5.1, Clear Vision Area.

vi. Utility Clearance. In no case shall landscaping material be planted in a way that will interfere with or cause damage to underground utility lines, public roads, or other public facilities. Species of trees whose roots are known to cause damage to public roadways, sewers, or other utilities shall not be planted closer than fifteen (15) feet from any such roadways, sewers, or utilities. Trees shall be setback from overhead utility lines as indicated in Table 5.11.2.A.vi, Utility Clearance.

vii. Landscaping of Divider Medians. Where traffic on driveways, maneuvering lanes, private roads, or similar vehicle access ways are separated by a divider median, the median shall be curbed and have a minimum width of ten (10) feet. A minimum of one (1) canopy or evergreen tree and six (6) medium shrubs-shall be planted for the initial twenty five (25) lineal feet or portion thereof plus one (1) additional canopy or evergreen tree and four (4) additional medium shrubs for every increment of twenty five (25) lineal feet. Trees may be planted at uniform intervals, at random, or in groupings, but in no instance shall the center-to-center distance between trees exceed sixty (60) feet. The ground surface

shall be covered with grass, groundcover, shrubbery or other live plant material to meet ground coverage in Section 5.11.2.A.ii.

viii. Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. For all new developments, requiring site plan approval, an in-ground irrigation/ sprinkler system is required. The Planning Commission may permit an alternate method of irrigation in accordance with Section 5.11.7, Modification to Landscape Requirements. To assist in maintaining plant materials in a healthy condition, all landscaped areas (including lawns) shall be provided with an automatic, underground, or drip irrigation system, subject to the following:

a. All automatic irrigation systems shall be designed to minimize water usage, have rain sensors, and shall be shut off during water emergencies, periods of protracted rainfall, or water rationing periods.

b. The irrigation requirement may be waived by the reviewing authority if the project incorporates landscaping that will contribute points towards LEED certification or an equivalent rating system.

ix. Landscaping around the base of monument signs. Landscaping shall be provided at the base of the monument sign. The landscape area shall be a minimum width of five (5) feet on each of the longest sign faces and be defined by a landscape edge to maintain a finished appearance. Plantings shall include a mix of evergreen/deciduous shrubs or ornamental trees. Landscaping should provide year-round interest. Perennials, annuals and mulch may be used as in-fill but shall not exceed thirty percent 30% of the planting area. Landscaping should be in scale with the sign height and length to create a substantial base.

B. General Site Landscaping

i. Site landscaping is required by this Section in six five general areas: greenbelt; foundation; parking lot interior and perimeter; retention/detention facilities; monument signs; and, screening and buffering. As part of site plan review, the applicant shall identify the minimum number of trees and shrubs required to meet the general areas described in this Section. In addition to these minimum requirements, the applicant shall provide additional trees and shrubs comprising twenty five percent 25% of the minimum required for each Plant Material Category. Additional plantings shall be used to further enhance the site's overall landscape plan and may be used in existing planting beds or to provide continuity between landscape areas.

The Planning Commission may allow substitutions to Section 5.11.3.C, Plant Material Specifications when it finds that the intent of this Ordinance would be met, and the landscape plan enhanced through the modification.

ii. Landscaping may include the preservation of existing trees and shrubs along with new trees, shrubs, grass, ground cover, and other living plant material. No more than one-third (33%) of the area being comprised of grass or ground covers. The one-third (33%) shall be calculated within each required

landscape area, i.e. greenbelt, screening, foundation, etc. Preserved landscaping shall meet the intent and quality as required by this Section.

[TEXT MOVED FROM SEC 5.11. 4.E.5]

<u>**5**iii</u>. Treatment of Existing Plant Material. The following regulations shall apply to existing plant material:

Aa. Consideration of Existing Elements in the Landscape Design.

<u>i+(1)</u> In instances where healthy plant material exists on a site prior to its development, the Planning Commission may permit substitution of such plant material in place of the requirements set forth previously in this Section, provided such substitution is in keeping with the spirit and intent of this Ordinance. In order to satisfy the landscape requirements the preserved trees shall be of high quality and a minimum of four (4) inch caliper measured twelve (12) inches above grade and located within the developed portion of the site.

<u>ii.(2)</u> In no case shall the minimum number of required trees be reduced by more than <u>fifty percent</u> (50%) through the use of the preserved trees.

<u>_iii.(3)</u> Existing trees, berms, walls, or other landscape elements may be used to satisfy the requirements set forth-previously, provided that such landscaping is in conformance with the requirements of this Section.

Bb. Preservation of Existing Plant Material

(1) Trees

<u>_i.(a) Site The plans shall show all existing trees which are located in the portions of the site that will be</u> built upon or otherwise altered, and are eight (8) four (4) inches or greater in caliper, measured four and one-half (4.5) feet above grade.

(b) If existing trees are proposed to remain and be used to meet tree requirements a tree survey, prepared by a professional land surveyor, shall be submitted showing all trees to be preserved. Tree size (height or trunk diameter), species and condition of the tree shall be provided on the survey.

(2) Trees and Other Plantings

<u>_ii.(a)</u> Trees <u>and plantings</u> shall be labeled "To Be Removed" or "To Be Saved" on the site plan. If existing plant material is labeled "To Be Saved" on the site plan, protective measures should be implemented, such as the placement of fencing or stakes at the drip line around each tree<u>or planting bed</u>. No vehicle or other construction equipment <u>or materials</u> shall be parked or stored within the drip line of any tree or other plant material intended to be saved. <u>Refer to Figure</u>.

(b) If existing tree(s) and plant material to be saved are not being watered by an irrigation system currently, they are not required to received irrigation.

<u>_iii.(b)</u> In the event that healthy plant materials which are intended to meet the requirements of the Ordinance are cut down, damaged or destroyed during construction, said plant material shall be replaced with the same species as the damaged or removed treeplantings to meet all other requirements. A modified landscape plan shall be submitted to the Township showing the replacement of the damaged or removed tree-plantings and the proposed replacement to the Zoning Administrator for review and approval. The Zoning Administrator, at his/her discretion, may require Planning Commission review and approval.

C. Greenbelt

i. A greenbelt shall be planted along any public or private road right-of-way within the first thirty (30) feet of the property, see 5.11.2.B.i, General Site Landscaping. Plantings may occur within the right-of-way, private property or a combination of both. If the plantings are not permitted within the first thirty (30) feet of the property, due to conflicts with utilities, sight lines or other right-of-way encumbrances, the Planning Commission may allow the planting elsewhere within the required front yard setback if it finds the intent of the greenbelt is still met. The greenbelt shall meet the following standards:

a. The greenbelt shall be a minimum of twenty (20) feet wide and shall generally run parallel to the public or private right-of-way, excluding regulated wetlands. The greenbelt should be arranged to simulate a natural setting with staggered or clustered plantings, except where a more traditional or formal design is appropriate for the development and surrounding area and will meet the intent of this Section.

b. The greenbelt shall include one (1) canopy tree for every thirty (30) linear feet or portion thereof of lot frontage. For example, eighty (80) feet of frontage shall require three (3) canopy trees. The Planning Commission may approve a substitution of evergreen trees for up to fifty <u>percent</u> (50%) percent of the canopy trees.

c. The greenbelt shall include three (3) small deciduous ornamental trees or large deciduous or evergreen shrubs for the initial forty (40) linear feet or portion thereof of lot frontage. Thereafter, one (1) additional small deciduous ornamental tree or large deciduous or evergreen shrub shall be required for every twenty (20) feet or portion thereof of lot frontage. For example, eighty (80) feet of frontage shall require five (5) ornamental trees or large shrubs.

d. The greenbelt shall be planted with grass, groundcover, shrubbery or other live plant material, other than those areas used as drives, sidewalks or other approved structures and areas where live plant material would not survive.

e. Public rights-of-way located adjacent to required landscaped areas and greenbelts shall be maintained by the owner or occupant of the adjacent property as if the rights-of-way were part of the required landscaped areas or greenbelts. No plantings except grass or ground cover shall be permitted closer than three (3) feet from the edge of the road pavement.

f. The Planning Commission may determine that existing trees which are preserved within the road right-of-way, easement or determined greenbelt area may meet all or part of the requirement based on their location, species, size and integration into the overall landscape plan. Preservation of the trees located within the right-of-way must be confirmed in writing by all agencies having an easement over said right-of-way prior to site plan review.

g. In instances where the greenbelt is adjacent to a parking area, the greenbelt shrubs may be used to provide the required screening as outlined in Section 5.11.2.E. Perimeter Parking Lot Landscaping.

ii. A minimum <u>fifteen (15)</u> foot wide landscape area shall be provided along the length of internal roadways providing shared public access to the site. The landscape area shall be planted with a minimum of one (1) canopy or evergreen tree for every thirty (30) feet or portion thereof. <u>Where an internal roadway abuts a parking area, screening shall be provided per Section 5.11.2.E.ii.</u>

D. Foundation Landscaping

i. Foundation plantings-landscaping shall be required to visually break up the mass of buildings and enhance the traffic flow-in accordance with the following requirements and as illustrated in Figure 5.11.2.B.i., General Site Landscaping.: Foundation landscape areas can be a combination of lawn and plantings.

a. The length of this planting area must equal at least <u>sixty percent (60%)</u> of front and sides of the building length along the front and sides of buildings which face a public or private road, is adjacent to a parking lot or other areas which provide access to the building(s) or adjacent to a developable site or area.

b. <u>Planting Landscape</u> areas shall be a minimum of eight (8) feet in width <u>when-and be</u> located adjacent to the building or ten (10) feet in width when located between the building and a parking area or drive aisle to prevent vehicle encroachment.

c. Plantings shall contain a minimum of one (1) deciduous ornamental tree or columnar tree and six (6) <u>medium-large</u> shrubs or eight (8) small shrubs for every thirty (30) lineal feet of building length or portion thereof. The Planning Commission may permit a mixture of small and medium size shrubs when the ratio of plantings is consistent with the intent of this Section. Landscape areas shall meet minimum coverage per Section 5.11.2.A.ii.

d. Planting areas shall be integral with the pedestrian walkways and parking areas and associated driveways.

ed. Permanent raised landscape planters which are designed as an integral part of the pedestrian walkway may be used to satisfy the foundation landscape requirement. A minimum of one (1) ornamental tree and eight (8) small shrubs per thirty (30) lineal feet of building frontage or portion thereof is required for raised planters as long as all plant material coverage requirements are met, and planter dimensions provide appropriate growing conditions.

f<u>e</u>. Where arcades are used across a building's façade, trees may be used in lieu of shrub plantings and satisfy the requirements for foundation plantings. A minimum of one (1) canopy or evergreen tree per thirty (30) lineal feet of building frontage is required

<u>gf</u>. Buildings with a greater mass in length or height that are taller than on story or are longer than <u>seventy (70) feet</u> shall be required to increase the massing of the foundation landscaping <u>proportionately</u> through modification in the required number of plants, size of the plants at time of planting and/or a change to a larger tree or shrub species.

E. Parking Lot Landscaping. Off-street parking areas containing ten (10) or more parking spaces shall provide landscaping in accordance with the following requirements and as illustrated in Figure 5.11.2.B.i., General Site Landscaping:

i. Interior Areas. Each separate landscape area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to divide and breakup the expanse of pavement and define parking areas and circulation paths. The following specific standards apply:

a. Where a row of parking spaces exceed ten (10) parking spaces, a Unless otherwise approved by the Planning Commission, landscaped endcaps shall be installed at each terminus of the row of parking. Endcaps shall also be used to direct vehicles into the drive aisle and further define the designated parking area.

b. Where a parking row contains twenty (20) or more continuous spaces, one landscape island shall be required at or about the midpoint of the row or as determined by the Planning Commission as part of the overall design. A landscape island shall be required at intervals, not to exceed, fifteen (15) continuous parking spaces.

c. Landscaped areas in parking lots shall be no less than ten (10) feet in any single dimension and no less than one hundred eighty (180) square feet. To improve visibility and maneuvering, the length of the landscaped areas shall be two (2) feet less than the adjacent parking stalls. Landscaped areas in or adjacent to parking lots shall be protected with curbing or other means to prevent encroachment of vehicles.

d. Requirements for plant material shall be based on the location, size, and shape of the parking lot landscaped area. A minimum of one (1) canopy tree shall be planted per one hundred eighty (180) square feet or fraction thereof of interior landscaped endcaps, islands or medians. A minimum of fifty (50) percent of each interior landscaped area shall be covered with a combination of small and medium evergreen and deciduous shrubs. The remaining landscape area may include a combination of groundcover, perennials, annuals and mulch. to achieve the following goals:

(1) Mitigate heat from parking lot pavement:

(a) All parking lot islands shall be planted with canopy trees at a minimum rate of one (1) tree per one hundred eighty (180) square feet or a fraction thereof.

(b) All parking lot islands shall be crowned and covered with lawn or live plant material to meet minimum ground coverage requirements per Section 5.11.2.A.i.

(2) Screening large expanses of parking lot pavement. Islands located on the perimeter of parking areas shall be planted to provide a twenty four (24) to thirty (30) inch in height screen to meet minimum ground coverage requirements per Section 5.11.2.A.i. Refer to figures 5.11.2.B.i and 5.11.2.E.i for additional clarification.

e. Plantings within parking lots shall comply with the requirements for clear vision set forth in Section 5.1, Clear Vision Area. The landscape plan shall indicate the type, size, and quantity of plant material proposed for such areas.

f. Where the installation of interior parking lot landscaping would impede circulation or prevent routine maintenance, the Planning Commission may approve alternative landscaping-along the perimeter of the parking lot.

g. The Planning Commission may require evergreen trees where visibility is not an issue and screening or buffering would be beneficial.

ii. Perimeter Areas. For purposes of this <u>S</u>ection the perimeter area measures fifteen (15) feet in width from the edge of the parking lot or drive aisle measured from the back of curb and the length of the abutting parking aisle. To minimize the conflict between parking lots and public or private roads and neighboring uses, the perimeter of the parking lot shall be screened in accordance with the following standards:

a. Parking lots shall be effectively screened or buffered from the public right of way, or a private road, or internal roadway with one or more of the following landscaping designs:

(1) Landscape berm between a minimum of two (2) and three (3) feet in height and planted with a combination of evergreen and deciduous shrubs to effectively screen vehicles and associated headlights all year long.

(2) Evergreen hedge row a minimum of three (3) feet in height <u>within two (2) years of planting</u>, planted in a row or staggered to create continuous screening. In no case shall an evergreen hedge be less than <u>thirty (30)</u> inches at the time of planting.

(3) A decorative screening wall a minimum of three (3) feet in height located adjacent to the parking lot with a combination of evergreen and deciduous shrubs planted between the parking area and roadway. The Planning Commission may require similar planting materials on the development/building side of the screening wall.

(4) The Planning Commission may permit modifications to the screening requirement including the use of <u>metal-ornamental</u> fencing or other decorative elements where a greater setback, natural landscaping or topography, or unique site layout would allow for a lesser or modified screening requirement.

b. Perimeter areas not visible from a public road <u>that do not have other screening requirements such as</u> <u>screening between properties</u>, shall be landscaped with a minimum of one (1) canopy <u>tree with four (4)</u> <u>large shrubs or one (1) or</u> evergreen tree for every thirty (30) lineal feet or portion thereof. When canopy trees are used, understory shrubs are required to buffer/screen the parking lot. The Planning Commission may require additional plantings where the proposed intensity of land uses deviate from the existing adjacent land uses or zoning district.

iii. Cart Corrals. Shopping cart corrals provided in parking areas shall be designed as an integral part of a parking lot landscape island(s). The cart corral area shall be a maximum of ten (10) feet in width and up to forty (40) feet in depth (standard island width for back-to-back parking stalls)two (2) feet less in depth than the adjacent parking stalls. The cart corral area shall be flanked on each side by a <u>crowned</u> landscape area a minimum of eight (8) feet in width and extending the full depth of the cart corral₇ and have a minimum six (6) inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the openings of the cart corral and at the center to contain the carts within. Plantings shall be provided within the landscape areas and shall include canopy trees and medium evergreen or deciduous shrubs sufficient to obscure view of stored carts <u>all year long</u> to a height of <u>three (3)</u> feet. The landscape areas may count towards the interior parking lot landscape requirements. No additional structures shall be permitted for storage of shopping carts in parking areas.

F. Berms. Where berms are used they shall conform to the following standards:

i. General Requirements. Berms used for screening between land uses shall be landscaped in accordance with Section 5.11.2.G, Buffering or Screening Requirements.

Berms used for screening between parking lots and access rights-of-way shall be landscaped in accordance with the Section 5.11.2.E.ii, Perimeter Parking. The height of berms used to screen off-street parking shall be measured from the adjacent parking lot or right-of-way whichever is higher.

Berms shall be integrated into the site's overall landscape design to provide a natural rhythm and flow between all landscape areas and improvements. The Township encourages berms to undulate in height and vary in contours to create a more natural appearance.

ii. Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) three (3) feet horizontal (25 percent slopethirty-three percent (33%) slope), with at least a four (4) foot wide flatter crest area on top. The exterior face of the berm shall be constructed as an earthen slope. The interior face may be constructed as an earthen slope or retained by means of a wall or terrace. A berm shall run the length of the developed site area and shall be a minimum width of twenty (20) feet wide with an average berm height of three (3) feet and a

minimum berm height of two (2) feet. When additional screening is required, the Planning Commission may require a minimum berm height of four (4) feet.

iii. Protection from Erosion. Any required berm shall be planted with-sod lawn, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The Planning Commission may allow the use of hardscape material, including masonry landscape blocks, stones, and other natural and decorative materials to retain the shape and height of a berm.

G. Buffering or Screening Requirements

i. Screening between Land Uses. Upon any improvement or change in use for which a site plan is required, a landscape buffer shall be provided to create a visual screen at least eight (8) feet in height along all adjoining boundaries of a non-residential use or a residential use of higher density and an abutting single family residential zoned property. At the discretion of the Planning Commission, modifications to the required screening may be permitted when alternative screening methods, existing site conditions and/or use of the properties would meet the intent of this Section. The overall height of the visual screen may include the combination of landscape berm and plant material and/or decorative screening walls.

a. When using evergreen trees to meet the screening requirements, plantings shall be spaced no more than twelve (12) feet apart measured on center (depending on their planting size) and shall be planted in a minimum of two (2) rows in a staggered or a clustered pattern with varying tree heights to provide for optimal screening and create a natural looking buffer, see Figure 5.11.2.B.i and 5.11.2.G.i.a. When using a staggered pattern, the minimum spacing between rows shall be <u>six (6) ten (10)</u> feet. When using evergreen trees solely to meet screening requirements and to provide an eight (8) foot in height minimum natural looking buffer, evergreen tree heights shall range from a minimum of eight (8) feet to twelve (12) feet in height or taller. Up to sixty percent (60%) of trees can be eight (8) feet in height, thirty percent (30%) shall be at least ten (10) feet in height and the remaining ten percent (10%) shall be twelve (12) feet in height or taller. In no case shall the trees be less than eight (8) feet in height. Additional deciduous plant materials may be used provided that a complete minimum eight (8) feet in height visual barrier is maintained throughout the year.

b. At the discretion of the Planning Commission, a berm-greater than five (5) feet in height may be required and/or a decorative wall or fencing may be required to supplement the plantings. If a decorative wall or fencing is used, landscaping shall be required on the side(s) of the wall facing the residential or agricultural zoned district, visible to the public from the site or adjacent to a developable property. The Planning Commission may require additional plantings adjacent to the wall and development site.

ii. Screening Parking Lots from Public Roads. Parking lots shall be screened from the public roads in accordance with Section 5.11.2.E Perimeter Parking Lot Landscaping.

iii. Screening of Ground Mounted Equipment. Mechanical equipment, such as utility cabinets, transformers, satellite dish antennae a minimum of thirty (30) inches in height, and similar equipment

shall be screened on at least three (3) sides <u>using evergreen plantings</u>. Insofar as practical, said screening shall exceed the vertical height of the equipment being screened by at least six (6) inches within two (2) years of planting. Screening of mechanical equipment may also be provided using <u>decorative</u> fences or walls when landscaping is not permitted due to equipment clearance and easement restrictions.

H. Landscaping Requirements for Detention/ Retention Areas. Detention/retention ponds shall be integrated into the overall design of the property and landscaped to provide a natural setting. The design and construction of the detention/retention systems shall be in accordance with Hartland Township Engineering Design Standards. When the detention/retention area is in the form of a basin, the following requirements shall apply:

i. Basins shall have a natural, free-form shape, following existing natural topography to the greatest extent possible. If the site is generally flat, the basin shall be shaped to emulate a naturally formed depression. The basin should be a natural shape, and not square, rectangle or other geometric shape. Side slopes should be varied and undulating, rather than having a uniform grade.

ii. Basins with side slopes that require fencing are prohibited in front and side yards. When a rear yard basin requires a fence, the fence shall be a decorative style. Chain link fence is prohibited in any circumstance. Side slopes shall not exceed one (1) foot vertical for every five (5) feet horizontal. Side slopes of basins shall not exceed one (1) foot vertical for every four (4) feet horizontal. The Planning Commission shall approve perimeter fencing if deemed necessary.

iii. A combination of natural stone and ILandscape materials shall be used to replicate the natural environment and integrate the area with the overall landscape design. Where a basin is designed to have permanent water, a fountain or other water feature may be used.

iv. A mixture of landscape materials, including evergreen and canopy/ deciduous trees, shrubs and other substantial plant material shall be planted in a random pattern or groupings. At a minimum one (1) canopy or evergreen tree and ten (10) medium deciduous or evergreen shrubs or six (6) large deciduous or evergreen shrubs or ornamental deciduous trees shall be planted for every fifty (50) linear feet of pond perimeter as measured along the top of the bank elevation. Plantings shall be integrated into the overall site design and may be surrounding and within the basin(s). At a minimum, one (1) canopy tree or evergreen tree shall be planted for every fifty (50) lineal feet of basin perimeter as measured along the top of the shall be planted for basin perimeter as measured along the top of the basin(s). At a minimum, one (1) canopy tree or evergreen tree shall be planted for every fifty (50) lineal feet of basin perimeter as measured along the top of the shall be planted in a random pattern or in groupings.

v. Basins shall be planted with seed mix or other plantings appropriate to site conditions. All areas to meet vegetation coverage per Section 2.A.ii.

vi. If the detention/retention area is located within the greenbelt, the overall number of plantings required for the greenbelt and detention/retention area may be reduced, at the discretion of the Planning Commission. Refer to Figure 5.11.2.H.1.

vij. Where appropriate, the stormwater collection system may include bioswales, rain gardens and other features that allow run-off water to flow through vegetation prior to entering the stormwater management system. Oil and sediment filters, and other best management practices to control the quality of water entering the system are encouraged. If such systems are employed for the stormwater collection system, landscaping requirements around the detention/retention area may be modified at the discretion of the Planning Commission.

3. Standards for Landscape Materials

Unless otherwise specified, all landscape materials shall comply with the following standards:

A. Plant Quality. Plant materials used in compliance with the provisions of this Ordinance shall be nursery grown, free of pests and diseases, hardy in southeastern Michigan, in conformance with the standards of the American Association of Nurserymen, and shall have passed inspections required under state regulations. Plants shall be No. 1 grade with straight unscarred trunk and well developed uniform crown (park grade trees will not be accepted). Plant materials installed in locations in close proximity to areas exhibiting environmental impacts (for example, exhaust fumes, salt runoff) commonly associated with motorized vehicles shall be hardy under such conditions.

B. Non-Living Plant Material. Plastic and other non living plant materials shall not be considered acceptable to meet the landscaping requirements of this Section.

C. Plant Material Specifications

i. Landscaping shall be varied to enhance design creativity and minimize possible landscape loss caused by specie specific disease. Variations to the species shall continue to provide unity in the overall site design. Tree species shall be required to meet the level of diversity noted in the table that follows.

ii. The use of native plant materials to the area and Southeast Michigan and mixture of trees from the same species association is encouraged. Following is a list of suggested plant materials by category:

iii. Use of plant materials that cause disruption to storm drainage or that are susceptible to pests or disease are not encouraged. The following plant materials exhibit such characteristics, and therefore their use is not encouraged in the Township:

a. Ashes

b. Elm (American and Siberian)

- c. Box Elder
- d. Tree of Heaven
- e. European Barberry
- f. Northern Catalpa
- g. Poplar
- h. Willow
- i. Maple (Amur, Norway & Silver)
- j. Ginkgo (Female)

k. Goldenraintree
l. Black Locust
m. Honey Locust (with thorns)
n. Horse Chestnut (Nut Bearing)
o. Cottonwood
p. Mulberry
q. Amur Cork Tree

iv. The following specifications shall apply to all plant material proposed in accordance with the landscaping requirements of this Ordinance:

a. Canopy Trees. Deciduous canopy trees shall be a minimum of three (3) inches in caliper measured six(6) inches above grade with the first branch a minimum of four (4) feet above grade when planted and not to exceed seven (7) feet above grade when screening is desired.

b. Other Deciduous and Columnar Trees. These may be included as part of the overall landscape site design but are generally not considered. At time of planting, the tree height shall be a minimum of twelve (12) feet in height.

<u>eb</u>. Small Deciduous Ornamental Trees and Large Shrubs. Small deciduous ornamental trees/ shrubs shall be a minimum of two (2) inches in caliper measured six (6) inches above grade with a minimum height of four (4) feet above grade when planted or six (6) feet in height from for clump varieties.

dc. Evergreen Trees. Evergreen trees shall be a minimum of eight (8) feet in height when planted, except as otherwise specified in this <u>O</u>ordinance. Furthermore, evergreen trees used for screening shall have a minimum spread of five (5) feet at time of planting. Columnar evergreen trees may be included as part of the overall landscape site design.

ed. Deciduous and Evergreen-Large Shrubs. Large shrubs shall be a minimum of thirty (30) inches in height and twenty-four (24) inches in spread when planted when used to screen or buffer, unless otherwise specified in this Ordinance.

fe. Deciduous and EvergreenSmall Shrubs Small deciduous and evergreen shrubs shall be a minimum of eighteen (18) inches <u>in height</u> when planted and shall not be used for screening purposes. Low growing shrubs shall have a minimum spread of twenty-four (24) inches when planted.

<u>gf</u>. Ground Cover. Ground cover used in lieu of turf grasses in whole or in part shall be planted in such a manner as to <u>present a finished appearance and reasonably complete coverage after one (1) complete</u> growing season meet coverage requirements per Section 5.11.2.A.ii.

hg. Perennials/Annuals/Ornamental Grass. Perennials/Annuals/ Ornamental Grass are to be used as accent plantings in addition to the required trees and shrubs.

ih. Grass. Grass area shall be planted using species normally grown as permanent lawns in southeast Michigan. Grass, sod, and seed shall be clean and free of weeds, pests, and diseases. Grass may be sodded, plugged, sprigged or seeded. When grass is to be established by a method other than complete sodding or seeding, nurse grass seed shall be sown for immediate effect and protection until complete coverage is otherwise achieved. Straw or other mulch shall be used to protect newly seeded areas.

jj. Mulch. Planting beds shall present a finished appearance with shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees, and shrubs, and vines shall be a maximum of four (4)-three (3) inches in depth deep-and shall be pulled three (3) inches away from the trunk. Mulch shall be contained within its respective planting areas through the installation of edging material or curbing two (2) inches in depth around perennials, groundcover and ornamental grasses. Rock, stone, or gravel is not allowed as mulch in planting beds but could be used for a narrow maintenance strip along a building foundation, with the maintenance strip a maximum of two (2) feet in width.

4. Installation, Irrigation and Maintenance. The following standards shall be observed where installation and maintenance of landscape materials are required:

A. Minimum Standards

i. Time of planting. Landscaping shall be installed in a sound, workmanlike manner to ensure the continued growth of healthy plant material. Trees, shrubs, and planting beds shall be generously mulched at the time of planting.

ii. Irrigation. All landscaped areas shall be provided with an irrigation system in accordance with Section 5.11.2.A.viii, Irrigation.

iii. Support Material Removal. Where required, tree stakes, guy wires and tree wraps are to be removed after one year.

B. Off-Season Planting Requirements. If development is completed during the off season when plants cannot be installed, the owner shall provide a performance guarantee to ensure installation of required landscaping in the next planting season, in accordance with Section 6.4, Performance Guarantees.

C. Phased Projects. Projects that are developed in phases may construct and install landscaping to coordinate with the development schedule. A phasing landscape plan shall be submitted at time of site plan review. Prior to beginning the initial or any subsequent phase, all screening required along the property boundaries adjacent to residentially zoned or used property shall be installed. Where screening material would be destroyed during construction, interim planting materials may be required.

D. Maintenance. Landscaping required by this Ordinance shall be maintained in a healthy, neat, and orderly appearance, free from refuse, debris and weeds. All unhealthy and dead plant material shall be replaced immediately, unless the season is not appropriate for planting, in which case such plant material shall be replaced at the beginning of the next planting season. The developer or owner(s) shall

insure perpetual and mandatory maintenance and/or replacement of vegetative plantings pursuant to the approved landscape plan.

E. All constructed or manufactured landscape elements, such as but not limited to benches, retaining walls, edging, and so forth, shall be maintained in good condition and neat appearance. Elements approved as part of Site Plan approval shall, when necessary, be replaced pursuant to the approved plan.

[TEXT MOVED TO SEC 5.11.2.B.iii]

65. Specific Landscaping Requirements

A. Requirements for LC, Limited Commercial and STR, Settlement Residential Districts. Because of the typical small lot size and compact character of the settlements in which these two zoning districts are located, site landscaping requirements shall be as follows for non-residential uses:

i. General Site Landscaping. All developed portions of the site shall conform to Section 5.11.2, General Requirements.

ii. Landscaping Adjacent to Road. Street trees shall be provided and maintained-where feasible at one (1) tree per thirty-five (35) feet of frontage. Street trees shall be located in five (5) foot minimum width lawn strip between the road and sidewalk. When this is not feasible, trees shall be planted no further than fifteen (15) feet from the edge of pavement or back of curb. Landscaping shall be consistent with the streetscape design as provided by the Township, if applicable.

iii. Screening. Upon any improvement or change in use for which a site plan is required, a landscape buffer shall be provided to create a visual screen at least eight (8) feet in height along all adjoining boundaries of a nonresidential use or a residential use of higher density than an abutting single family residential zoned property. At the discretion of the Planning Commission, modification for screening may be allowed pursuant to Section 5.11.7, Modification to Landscape Requirements.

iv. Utility Clearance. See Section 5.11.2.A.vi.

B. Requirements for Single Family Residential Districts. Single Family Residential properties are encouraged to plant and maintain landscaping which provides a good street side appearance, is a mixture of deciduous and evergreen plantings and is in-keeping with the character of the surrounding area. The following requirements are required for all single family detached residential properties and is in addition to the requirements for residential developments that are approved through the Site Plan Review process.

i. General Site Landscaping. All unpaved portions of the front yard shall be planted with grass, ground cover, shrubbery, or other suitable live plant and landscape bed material, which shall extend to any abutting street pavement edge.

ii. Maintenance of Unobstructed Visibility. No landscaping shall be established or maintained on any parcel that will obstruct the view of drivers. Accordingly, all landscaping shall comply with the provisions set forth in Section 5.1, Clear Vision Area.

iii. Utility Clearance. See Section 5.11.2.A.vi.

<u>C. Subdivision Planting Requirements. In single family platted subdivisions, residential site</u> condominiums or non-residential subdivisions (example: interior streets in industrial subdivisions) street trees, medium or large canopy deciduous trees, shall be planted in front of each lot as follows: one (1)</u> tree shall be planted for every thirty (30) feet of frontage between the sidewalk and curb. The width of the area between the sidewalk and back of curb shall be a minimum of four (4) feet.

76. Modifications to Landscape Requirements

In consideration of the overall design and impact of a specific landscape plan, and in consideration of the amount of existing plant material to be retained on the site, the Planning Commission may modify the specific requirements outlined herein, provided that any such adjustment is in keeping with the intent of this Ordinance. In determining whether a modification is appropriate, the Planning Commission shall consider whether the following conditions exist:

A. Topographic features or other unique features of the site create conditions such that strict application of the landscape regulations would result in a less effective screen than an alternative landscape design.

B. Parking, vehicular circulation, or land use are such that required landscaping would not enhance the site or result in the desired screening effect.

C. The public benefit intended by the landscape regulations could be better achieved with a plan that varies from the strict requirements of this Ordinance.

5.26.8.M.ii.b. SIGNS

b. All monument signs shall include adequate landscaping in size and quantity of plant material around the base of the sign so as to create a unified and aesthetic appearance with the structure or development in which the sign is promoting.

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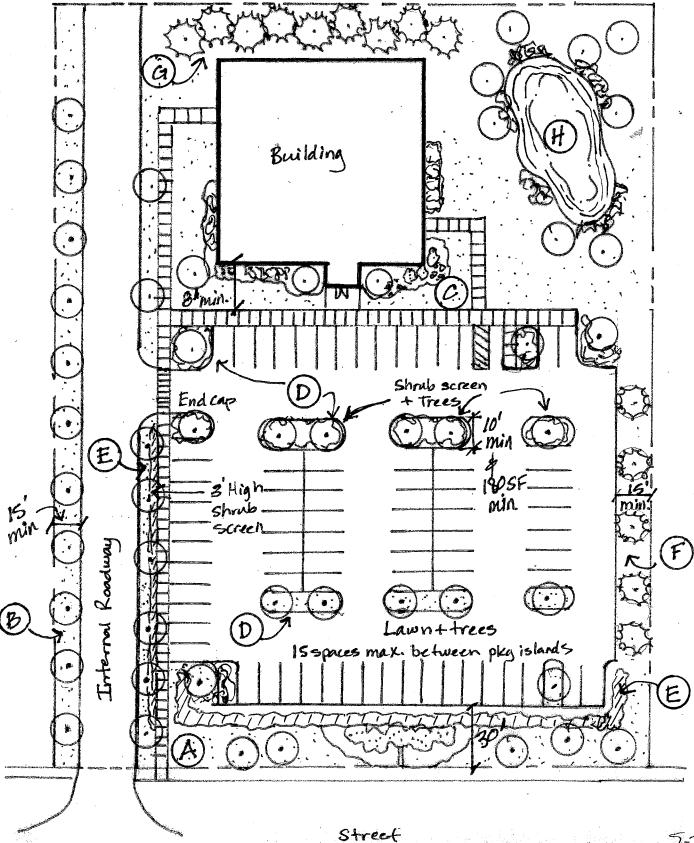
5.11.2.B.i. GENERAL SITE LANDSCAPING

CATEGORY/AREA

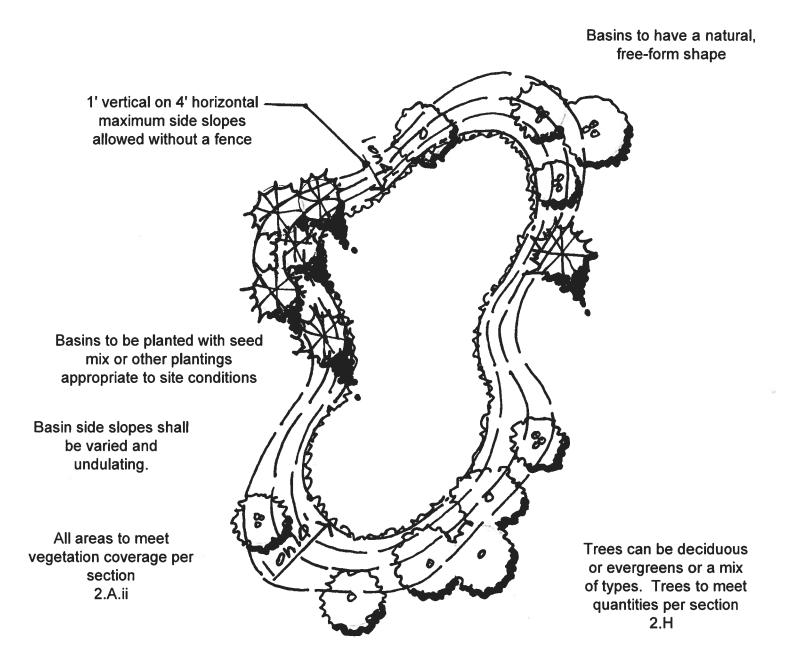
- A. Greenbelt
- B. Internal Roadway
- C. Foundation
- D. Parking Lot-Interior Areas
- E. Parking Lot-Perimeter Areas
- F. Perimeter Areas not visible from public road
- G. Buffering/Screening
- H. Detention/Retention Areas

ORDINANCE SECTION 5.11.2.C.

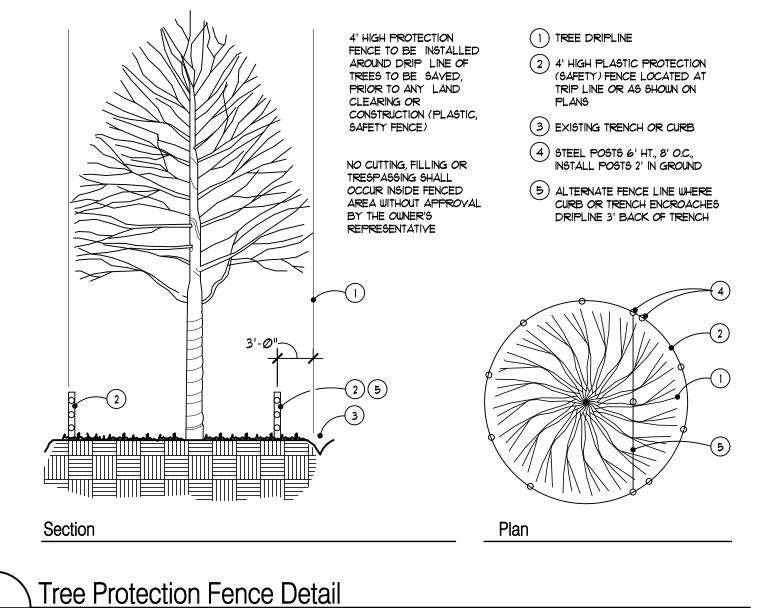
5.11.2.C.ii. 5.11.2.D. 5.11.2.E.i. 5.11.2.E.ii.a. 5.11.2.E.ii.b. 5.11.2.G. 5.11.2.H.

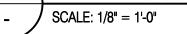


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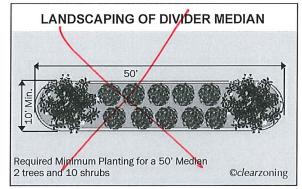


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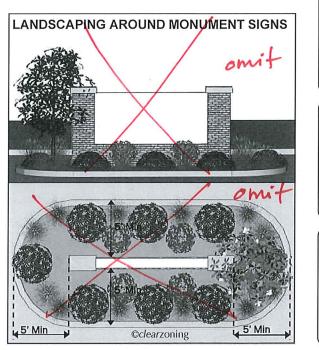


shall the but in no instance center-to-center distance between trees exceed sixty (60) feet.



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- viii. Irrigation. The site plan shall indicate the proposed method of watering landscaped areas. For all new developments, requiring site plan approval, an in-ground irrigation/ sprinkler system is required. The Planning Commission may permit an alternate method of irrigation in accordance with Section 5.11.7, Modification to Landscape Requirements.
- ix. Landscaping around the base of monument signs. Landscaping shall be provided at the base of the monument sign. The landscape area shall be a minimum width of five (5) feet on each of the longest sign faces and be defined by a landscape edge to maintain a finished appearance. Plantings shall include a mix of evergreen/deciduous shrubs or ornamental trees. Landscaping should provide year-round interest. Perennials, annuals and mulch may be used as in-fill but shall not exceed thirty percent 30% of the planting area. Landscaping should be in scale with the sign height and length to create a substantial base.



- B. General Site Landscaping
 - i. Site landscaping is required by this Section in six general areas: greenbelt; foundation; parking lot interior and perimeter; retention/detention facilities; monument signs; and, screening and buffering. As part of site plan review, the applicant shall identify the minimum number of trees and shrubs required to meet the general areas described in this Section. In addition to these minimum requirements, the applicant shall provide additional trees and shrubs comprising twenty five percent 25% of the minimum required for each Plant Material Category. Additional plantings shall be used to further enhance the site's overall landscape plan and may be used in existing planting beds or to provide continuity between landscape areas.

The Planning Commission may allow substitutions to Section 5.11.3.C. Plant Material Specifications when it finds that the intent of this Ordinance would be met and the landscape plan enhanced through the modification.





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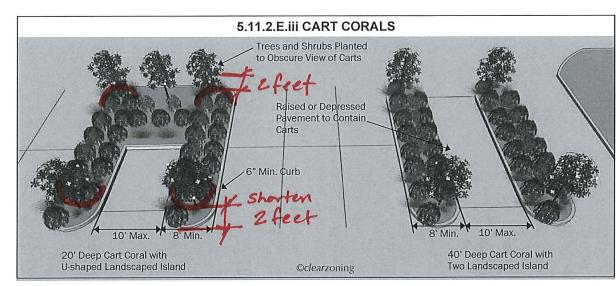












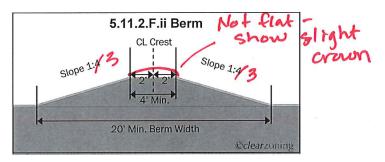
- iii. Cart Corrals. Shopping cart corrals provided in parking areas shall be designed as an integral part of a parking lot landscape island(s). The cart corral area shall be a maximum of ten (10) feet in width and up to forty (40) feet in depth (standard island width for back-to-back parking stalls). The cart corral area shall be flanked on each side by a landscape area a minimum of eight (8) feet in width and extending the full depth of the cart corral, and have a minimum six (6) inch concrete curb to contain the carts between the landscape areas. Raised or depressed pavement may be used at the openings of the cart corral and at the center to contain the carts within. Plantings shall be provided within the landscape areas and shall include canopy trees and medium evergreen or deciduous shrubs sufficient to obscure view of stored carts to a height of 3 feet. The landscape areas may count towards the interior parking lot landscape No additional requirements. structures shall be permitted for storage of shopping carts in parking areas.
- F. Berms. Where berms are used they shall conform to the following standards:
 - i. General Requirements. Berms used for screening between land uses shall be landscaped in accordance with Section 5.11.2.G, Buffering or Screening Requirements.

Berms used for screening between parking lots and access rights-of-way

shall be landscaped in accordance with the Section 5.11.2.E.ii, Perimeter Parking. The height of berms used to screen off-street parking shall be measured from the adjacent parking lot or right-of-way whichever is higher.

Berms shall be integrated into the site's overall landscape design to provide a natural rhythm and flow between all landscape areas and improvements. The Township encourages berms to undulate in height and vary in contours to create a more natural appearance.

ii . Dimensions. Unless otherwise indicated or appropriate, required berms shall be measured from the grade of the parking lot or flat ground adjacent to the berm, and shall be constructed with slopes no steeper than one (1) foot vertical for each four (4) feet horizontal (25 percent slope), with at least a four (4) foot flat area on top. The exterior face of the berm shall be constructed as an earthen slope. The interior face may be constructed as an earthen slope or retained by means of a wall or terrace.





Purpose and Introduction

Definitions

Zoning Districts

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Standards

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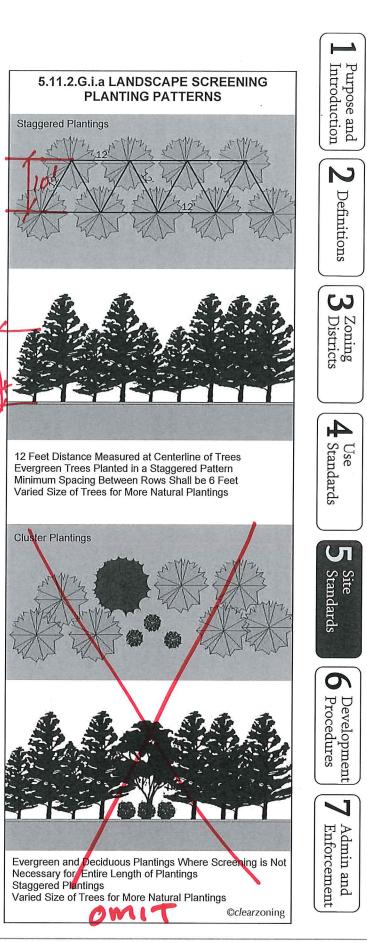
A berm shall run the length of the developed site area and shall be a minimum width of twenty (20) feet wide with an average berm height of three (3) feet and a minimum berm height of two (2) feet. When additional screening is required, the Planning Commission may require a minimum berm height of four (4) feet.

Protection from Erosion. Any required berm shall be planted with sod, ground cover, or other suitable live plant material to protect it from erosion so that it retains its height and shape. The Planning Commission may allow the use of hardscape material, including masonry landscape blocks, stones, and other natural and decorative materials to retain the shape and height of a berm.

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G. Buffering or Screening Requirements

- Screening between Land Uses. Upon i. any improvement or change in use for which a site plan is required, a landscape buffer shall be provided to create a visual screen at least eight (8) feet in height along all adjoining boundaries of a non-residential use or a residential use of higher density and an abutting single family residential zoned property. At the discretion of the Planning Commission. modifications to the required screening may be permitted when alternative screening methods, existing site conditions and/or use of the properties would meet the intent of this Section. The overall height of the visual screen may include the combination of landscape berm and plant material and/or decorative screening walls.
 - a. When using evergreen trees to meet the screening requirements, plantings shall be spaced no more than twelve (12) feet apart measured on center (depending on their planting size) and shall be planted in staggered or a clustered pattern with varying tree heights to provide for optimal screening and create a natural looking buffer, see Figure 5.11.2.B.i and 5.11.2.G.i.a. When using a staggered pattern the minimum spacing between rows shall be six





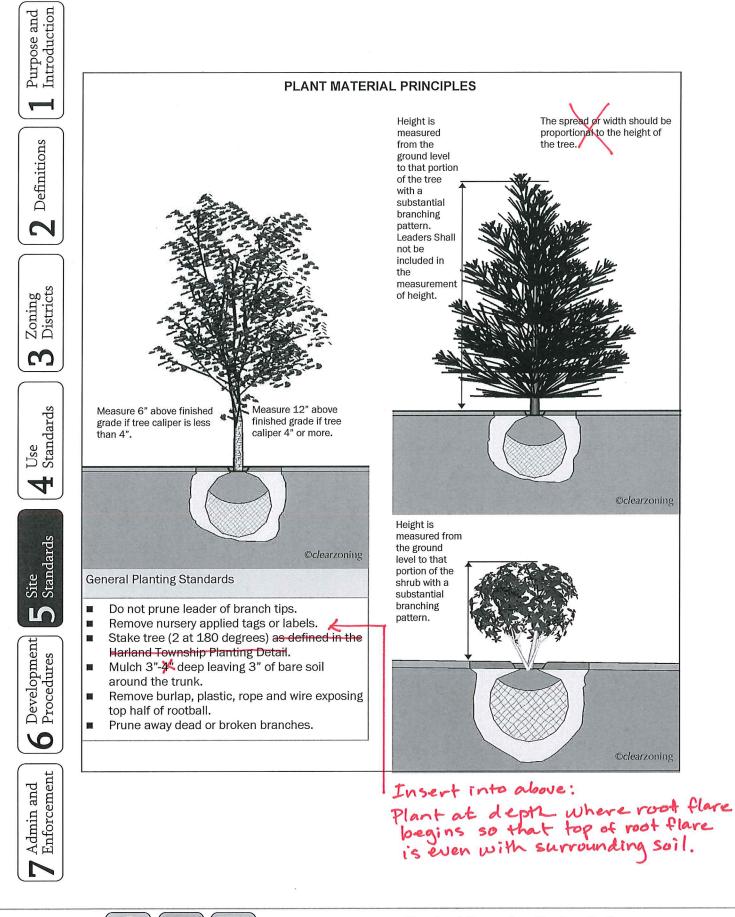
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Purpose and Introduction		5.11.3.C.ii Suggested Plant Materials		5.11.3.C.ii Suggested Plant Materials (continued)	
		Common Name	Genus	Common Name	Genus
<u> </u>	J	Ornamental Trees		Shade or Canopy Trees -Non	-columnar varieties
\mathbf{Z} Definitions		Serviceberry	Amelanchier	Beech Hybrid Elm	Eagus Qlmnus
		Dogwood (Tree Form)	Cornus	Birch	Betula
		Flowering Crabapple	Malus	Hard Maples (Sugar, Red)	Acer
		Flowering Pear Paper Bark	Pyrus Acer	Hackberry	Celtis
	J	Flowering Plum (Tree Form)	PrunusSynna	Hickory Honey Locust	Garya Gledilsia
3 Zoning Districts		Hawthorn	Crataegus	Hornbeam (Blue Beech)	Carpinus Ny ssa
		Hornbeam	Genus	Hophornbeam (Ironwood)	Ostrya
		Magnolia	Magnolia	Quercus	Oak
		Redbud	Cercis	Clump Form Trees Linden	VarietyTilia
		Rose of Sharon	Hibiscus	Evergreen Trees	
)	Narrow Evergreen Shrubs (Large S	Shrubs)	Douglas Fir	Pseudotsuga
4 Use Standards		Narrow Evergreen Shrubs (Large S Mature size larger + Arborvitae	Thuja 2 Sorta	Fir	Abies
		Juniper	Juniperus	Hemlock	Tsuga
	5	Yew	Taxus	Pine	Pinus
	ľ	Deciduous Shrubs (Medium or Sm Mature 312 4 - 6 hea Barberry	hall Shrubs) h t g Spread Berberis	Spruce Avisorutae Green	
6 Development 5 Site Procedures 5 Standards		Boxwood	Buxus	Groundcovers, Vines and Flowers	s/Grasses should
		Currant	Ribes	be used as accent materials. All materials shall be selected for their suitability and appearance in the proposed planting area. Materials such as Black Eyed Susan, Dianthus, Phlox, Gaillardia, Sedum are considered to be hardy in southeast	
			Euonymus Forsythia		
		Forsythia Holly	llex		
		Hydrangea Shrula	Hydrangea	Michigan gardens.	ardy in southeast
		Lilac	Syringa	iii. Use of plant materials that cause	
		Potentilla	Potentilla	disruption to storm	drainage or that
		Privet	Ligustrum	are susceptible to pe are not encourage	
		Quince Spiraea Rosa	Chaenomeles Shrub Rose	plant materials	exhibit such
	-	Viburnum) Large Sharb	Viburnum	characteristics, and t is not encouraged in	
		Weigela	Weigela	a Ashes	the reaction p.
		Evergreen Shrub (Medium or Sma	ll Shrub)	b. Elm (American a	nd Siberian)
Admin and Enforcement		Arborvitae (Globe/Dwarf)	Thuja	c. Box Elder	
		False Cypress	Chamaecyparis	d. Tree of Heaven	
		Juniper /Spruce (Low	Juniperus /	b. Elm (American al cop to c. Box Elder c. Box Elder c. Box Elder c. European Barber c. Northern Catalpa g. Poplar	
√ r.∃		Spreading) Yew (Globe/Spreading/Upright)	Picea Taxus	g. Poplar	

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