

STATE OF MICHIGAN
COUNTY OF WASHTENAW

ANN ARBOR CHARTER TOWNSHIP
ORDINANCE NO. 1- 2011

AMENDMENT TO ANN ARBOR CHARTER TOWNSHIP CODE
SECTION 74-586, CHAPTER 74, ARTICLE V -
LANDSCAPING AND TRANSITION STRIPS
AND SECTION 74-176, CHAPTER 74, ARTICLE II
DIVISION 4 - SITE PLAN REVIEW

Ann Arbor Charter Township ordains and adopts the following amendment to Section 74-586 Landscaping and Transition Strips, and Section 74-176 Site Plan Review:

Sec. 74-586. Landscaping and transition strips. [ALL NEW]

- (a) *Intent.* The intent of this section is to promote the public's health, safety, and general welfare by:
- (1) Improving and enhancing the character of the site; screening or filtering views, where necessary; helping to unify the various parts of the site; blending inharmonious land uses; and buffering incompatible uses.
 - (2) Controlling soil erosion; moderating harsh or unpleasant sounds; removing air pollutants; controlling glare and reflection; slowing the effects of erosive winds or water and promoting stormwater retention, thereby helping to prevent flooding; and blocking, diverting or channeling winds.
 - (3) Moderating the effects of climate and creating a more desirable microclimate.

To the greatest extent possible, applicants are encouraged to satisfy Ordinance requirements through the preservation of existing trees and natural vegetation. Where appropriate, the use of a diverse mix of landscape materials native to Washtenaw County is encouraged.

- (b) *Application.* These requirements shall apply to all buildings, structures and uses for which site plan review is required under Section 74-172 and for which subdivision plat review is required under Section 58-72. Individual single-family homes that require site plan review are exempt from these requirements.
- (c) *Landscape plan required.* A separate sheet showing the landscape plan shall be submitted as part of the final site plan review plan set for projects requiring a site plan as set forth in Section 74-176(b)2c and this Section 74-586. A separate sheet showing the landscape plan shall be submitted as part of the preliminary plat review plan set for projects requiring subdivision plat approval as set forth in Section 58-73(b)(20) and this Section 74-586.

Landscape plans shall be prepared by a qualified professional, as required in Section 74-174(a)(1). The landscape plan shall meet all of the following requirements and include all of the following information:

- (1) Prepared in a scale that properly illustrates the landscape plan concept and that the requirements of this Section 74-586 are met.
 - (2) Existing and proposed topography, by contours correlated with the grading plan.
 - (3) Location of all proposed improvements, including utilities, as shown on the site plan.
 - (4) Location of proposed plant materials; a planting list of proposed materials, showing sizes, height, quantity, botanical and common names, spacing, and root type (bare root or balled and burlapped).
 - (5) A vegetation inventory showing the species and location of trees, shrubs and ground cover within 300 feet of the proposed disturbance to be saved, moved, or removed; proposed means of protecting existing plant materials during construction.
 - (6) Sections, elevations, plans, and details of landscape elements, such as berms, walls, ponds, retaining walls and tree wells.
 - (7) Planting and staking details, in text or graphic form, explaining the method of installation, type and depth of mulch, and any special planting requirements.
 - (8) Identification of existing wetlands, forested areas, trees and vegetative cover including those to be preserved.
 - (9) Identification of grass and other ground cover and method of planting.
 - (10) Proposed planting dates.
 - (11) Irrigation system plan for watering and draining landscape areas, if used.
 - (12) Such additional information as the Planning Commission determines is necessary to properly locate and identify existing conditions and proposed landscaping changes.
- (d) *Additional areas or plantings.* The Planning Commission may require more or larger landscape areas, more plant materials, or any combination thereof, than may otherwise be required by this Section or by Article IV or elsewhere in this Chapter, if the Planning Commission finds that the nature or concept of the proposed development, the relationship to existing natural features, or the relationship to neighboring properties indicates a need for such additional landscaping.
- (e) *Transition strips.*

- (1) *Landscaping materials.* The transition strip shall be landscaped with living plant materials; such materials shall be planted within six months of the date of issuance of the certificate of occupancy.
 - (2) *Compliance with section.* A transition strip, when required under Article IV, District Regulations, shall be provided in accordance with this Section. Where permitted, a decorative wood screen or masonry wall, four to six feet high, may be substituted for the transition strip if the Planning Commission determines that such screen or wall will equal the performance of the transition strip and where such lot is too limited in dimension or area to reasonably permit the installation of such strip.
 - (3) *Hedge as substitute.* A hedge may also be substituted for a transition strip, provided that it will obtain a height of at least three feet at the end of the first growing season, and if the Planning Commission determines that such hedge will equal the performance of the transition strip. A screen, wall, hedge, or strip shall be adequately maintained at all times.
- (f) *Parking lot landscaping.*
- (1) *Interior areas.* Each separate landscaped area within a parking lot shall be adequately planted and maintained and shall be located in such a manner as to promote the following principles: divide and break up the expanse of pavement; define parking areas; and designate vehicular circulation. The following specific standards shall apply:
 - a. No more than a row of fifteen (15) spaces in residential districts, and no more than a row of twenty (20) spaces in commercial, office, and industrial districts shall be permitted without being interrupted by landscaping or a landscape island. Where required landscape areas within parking lots would prevent maintenance or impede traffic flow as a result of the size or configuration of a parking lot, the Planning Commission may require that the parking lot be reconfigured or may approve alternative landscaping along the perimeter of the parking lot.
 - b. Each parking lot shall provide a landscaped area equal to a minimum of five (5) percent of the paved surface area of the parking lot for the purpose of planting shade trees and other landscape materials. Greater than five (5) percent interior landscape area may be required by the Planning Commission where the Planning Commission determines that a greater landscape areas is needed to provide visual and climatic relief.
 - c. There shall be one (1) canopy tree meeting the minimum size requirements set forth in this chapter for every eight (8) parking spaces or fraction thereof. Landscaped islands within a designated parking area shall be a minimum of one hundred-fifty (150) square feet in area and ten (10) feet in width.

- d. A minimum distance of three (3) feet shall be established between proposed tree or shrub plantings and the backside of the curb or edge of pavement.
 - e. Surfaces of islands and medians in driveways shall be turf grass, other ground cover, or low growing shrubs.
- (2) *Perimeter areas.* In order to reduce the visual impact of a parking lot, minimize conflicts between neighboring uses, and reduce the effect of headlight glare and parking lot lighting on adjacent uses and public roadways, the perimeter of parking lots shall be screened in accordance with the following standards:
- a. Screening may be required between parking areas and adjacent streets, sidewalks, or properties. Screening may be provided by berms, elevation changes, trees and shrubs, flowering plants, decorative fences or walls, or a combination of these features. Evergreen trees and/or shrubs may be required in such areas.
 - b. Canopy trees shall be provided along the perimeter of a parking lot at a minimum rate of one tree per each 40 feet of lot perimeter, but the trees need not be planted on 40 foot centers. Additional canopy trees may be required by the Planning Commission to effectively shade the parking lot or adjoining properties. Trees required for shading purposes shall be canopy trees. Flowering deciduous trees and evergreen trees may also be used but shall not substitute for or replace any of the canopy trees required by these standards.
 - c. A minimum of three (3) foot wide landscape strips (not including vehicle overhangs) should be provided between paved parking surfaces and buildings, fences, and property lines wherever possible. Trees and shrubs shall be planted clear of the vehicle overhang area.
- (3) *Stormwater management.* The use of parking lot islands and perimeter areas for stormwater infiltration facilities, where possible, is encouraged. Design for stormwater management facilities is described in the Stormwater Management Ordinance, Chapter 26, Article VII of the Township's Code of Ordinances, Section 26-501 et seq.
- (g) *Street trees.* Trees shall be provided in the margins on both sides of all streets, whether public or private in all residential developments including but not limited to site condominiums or subdivisions, and such trees shall be provided at a minimum rate of one tree per 60 linear feet of lot frontage. Trees may also be required in pedestrian ways, at the same rate. Trees to be installed in street margins shall be the large deciduous type, such as oak, maple, and sycamore. However, ornamental trees may be installed in street margins, but shall not count toward the minimum street tree requirement. Both large deciduous and ornamental trees may be planted in pedestrian ways.

- (h) *Outdoor trash storage.* Trash storage shall be provided either within a building or in containers located in an enclosure outside the building. If storage is inside a building, trash shall be handled and stored in compliance with all applicable codes. Outside trash containers shall not be permitted unless located within enclosures, and subject to the following standards:
- (1) Outdoor trash disposal containers shall be screened on all sides with an opaque screen made of wood or masonry materials, which shall be at least as high as the container, but not less than six (6) feet in height. Wire fences or fences with plastic, aluminum, or other filler strips shall not be used as enclosures. Enclosures shall be constructed of materials similar to or compatible with the materials used on the outside faces of the principal buildings on the site.
 - (2) Containers shall be consolidated to minimize the number of collection sites.
 - (3) Containers and enclosures shall meet all required setbacks, shall be located behind the front face of the building, and shall be located away from public view insofar as possible. Enclosures shall not be located in any yard required adjacent to a public or private street or in a required transition strip, or pose any fire hazards to buildings.
 - (4) Containers and enclosures shall be situated so that they do not create a public nuisance or result in unsightly or offensive conditions affecting neighboring uses or occupants. Tree and shrub screening may be required to screen the enclosure from view and to provide shade to reduce odors during summer months.
 - (5) Enclosures shall be designed and located for safe and convenient access for both the user and the trash hauling company. They shall not be placed in any location that will interfere with the use of any parking space, with vehicle or pedestrian flow, with public safety, or with ingress and egress to and from a building, or with access to a fire hydrant.
 - (6) Concrete pads of appropriate size and construction shall be provided for containers or groups of containers. Concrete aprons shall be provided for loading of bins.
 - (7) The trash enclosure area and pad shall be sized to accommodate storage of recyclable or compostable materials and related containers.
 - (8) Screening and gates shall be of a durable construction. Gates shall be constructed of heavy-gauge metal or of a heavy-gauge metal frame with covering of wood or other suitable material. Gates shall be secured with sturdy hinges or sliders, and latches. If the enclosure is situated directly adjacent to parking spaces or drives, it shall be protected at its base by concrete curb blocks.
- (i) *Miscellaneous landscape requirements.* The following minimum standards shall apply to all required landscaping:

- (1) *Quality.* Plant and grass materials shall be of varieties and species hardy in Washtenaw County, and shall conform to the current minimum standards of the American Nursery and Landscape Association, and shall have passed any inspections required under State or Federal regulations. Artificial plant materials are prohibited.
- (2) *Composition.* A mixture of plant materials (evergreen and deciduous trees and shrubs) is required as a protective measure against insect and disease infestation.
- (3) *Berms.* Berms shall be constructed with slopes no greater than one (1) foot vertical for each three (3) foot horizontal, with at least a two (2) foot wide, generally flat top. The highest point of the berm, extending along the length of the berm, shall be sufficiently rounded to avoid scalping by maintenance equipment. Berm slopes shall be protected with grass, shrubs or other form of natural ground cover.
- (4) *Mulch.* Mulching material for planted trees, shrubs, and vines shall be a minimum of four (4) inch-deep shredded hardwood mulch. Decorative materials, such as stone chips, woodchips, mulch, or cobblestones within planting beds and areas shall be placed on a permeable landscape fabric that allows passage of water and air to the soil below. Polyethylene or plastic films shall not be used for this purpose.
- (5) *Walls, fences and paving materials.* Walls shall be constructed of stone, brick or similar materials. Fences for landscaping purposes shall be constructed of wood. Chain link or other metal fences shall not be used for landscaping purposes. Walls, landscape fences, and paving materials shall be coordinated with buildings in terms of design and materials, and with the character of the site.
- (6) *Existing plant material.* Healthy plant materials existing on a site prior to its development shall be incorporated into the landscape plan if such materials meet the requirements of this Section.

Plant materials labeled “to remain” on a final site plan or a preliminary plat shall be protected from construction activities. Fences or other barriers shall be placed no closer to the tree or shrub than its dripline. No vehicle or other construction equipment, and no soil deposits or any material may be parked or stored within the dripline of such trees or shrubs.

Any tree designated on the site plan or plat as “to remain” that is cut down, destroyed, damaged, or excavated behind the dripline during construction, as determined by the Township, shall be replaced by the owner or applicant with trees that are either equivalent in size, or that constitute the total diameter at breast height (dbh) of the trees that have been damaged or removed. Mitigation of removal of landmark trees or other protected trees shall be in accordance with applicable Township ordinances or land development standards.

- (7) *Installation, maintenance, and completion.*

- a. All landscaping required by this Section shall be planted within six (6) months after issuance of the Certificate of Occupancy.
 - b. An amount equal to the installed cost of landscaping shall be deposited with the Township in accordance with Section 74-178 as security for installation of the landscaping (“Landscaping Deposit”). The Township is authorized to retain thirty percent (30%) of the Landscaping Deposit for a period of three (3) years after the date of issuance of a Certificate of Occupancy, to insure replacement of dead or dying landscaping, under the terms of an escrow agreement described in Section 178(e). It shall be the responsibility of the property owner (or any applicable owner’s association) to maintain the landscaping in good condition in accordance with its intended purpose and subsections e and g below.
 - c. Landscaping operations, including planting of trees and shrubs, shall not damage any utility or interrupt any utility service, and shall not damage or create a nuisance affecting adjacent property, public streets, or sidewalks.
 - d. Plant and grass materials shall be installed according to generally accepted planting procedures.
 - e. Landscaping materials that are unsightly, dead, dying, or that become unhealthy because of damage, neglect, drainage problems, disease, insect infestation, or other causes shall be replaced within one year, or the next planting period, whichever occurs first. Replacement materials shall meet all standards of the original installation.
 - f. All landscaped areas shall be provided with an adequate water supply.
 - g. The property owner (or any applicable owner’s association) shall be responsible to ensure the proper care and maintenance of landscape areas, including keeping all landscape materials in a healthy and growing state. All landscape elements such as, but not limited to, fences, screens, walls, or lighting shall be kept in good repair.
 - h. Topsoil removed during construction shall be stockpiled in an appropriate manner to prevent erosion, and shall be redistributed on re-graded surfaces to be landscaped, to provide a minimum of four (4) inches of even cover. The topsoil shall then be permanently stabilized by grass, ground cover, or other plantings.
- (8) *Prohibited plants.* Installation of the following plants do not satisfy these requirements and are prohibited:

Common Name	Botanic Name
Trees	
Alder (Black)	<i>Alnus glutinosa</i>

Buckthorn (Common European, Glossy & Tallhedge)	<i>Rhamnus cathartica</i> <i>Rhamnus frangula</i> <i>Rhamnus utilis</i>
Elm (Siberian)	<i>Ulmus pumila</i>
Horse Chestnut	<i>Aesculus hippocastanum</i>
Locust (Black, Bristly, Clammy)	<i>Robinia psuedoacacia</i> <i>Robinia hispida</i> <i>Robinia viscosa</i>
Maple (Amur, Norway)	<i>Acer ginnala</i> <i>Acer platanoides</i>
Mulberry (Russian, White)	<i>Morus alba</i>
Olive (Autumn, Russian)	<i>Elaeagnus umbellata</i> <i>Elaeagnus angustifolia</i>
Poplar (Lombardy, Silver, White)	<i>Populus nigra var. italica</i> <i>Populus alba</i>
Prickly Ash	<i>Zanthoxylum americanum</i>
Spindle Tree	<i>Euonymus europea</i>
Tree of Heaven	<i>Ailanthus altissima</i>
Willow (Crack)	<i>Salix fragilis</i>
Willow (Gray)	<i>Salix cinerea</i>
Willow (Laurel/Bayleaved)	<i>Salix pentandra</i>
Willow (White)	<i>Salix alba</i>

Common Name

Botanic Name

Shrubs

Barberry (Common, Japanese)	<i>Berberis thunbergii</i> <i>Berberis vulgaris</i>
Butterfly Bush	<i>Buddleia davidii</i>
Burningbush	<i>Euonymus alatus</i>
Honeysuckle (Amur, Morrow, Tatarian, Japanese)	<i>Lonicera maackii</i> <i>Lonicera morrowii</i> <i>Lonicera tatarica</i> <i>Lonicera japonica</i>
Privet (Common)	<i>Ligustrum vulgare</i>
Rose (Guelder, Multiflora)	<i>Viburnum opulus var. opulus</i> <i>Rosa multiflora</i>
Spiraea (Japanese)	<i>Spiraea japonica</i>

Perennials, Groundcovers & Vines

Bittersweet (Oriental/Asian)	<i>Celastrus orbiculatas</i>
Chinese Silver Grass	<i>Miscanthus sinensis</i>
Crown Vetch	<i>Corollilla varia</i>
Dames Rocket	<i>Hesperis matronalis</i>
English Ivy	<i>Hedra helix</i>
Foxglove	<i>Digitalis purpurea</i>
Periwinkle (or Myrtle)	<i>Vinca minor</i>
Purple Loosestrife	<i>Lythrum salicaria</i>

Wintercreeper

Euonymus fortunei

- a. Species of trees whose roots are known to cause damage to streets, sidewalks, utility lines, or other public facilities; are brittle; are particularly susceptible to insect damage or disease; or are short lived should not be used in any required landscape area.
- (9) *Minimum size and spacing requirements.* Where landscaping is required, the following sets forth minimum size and spacing requirements for representative landscape materials:
- a. Large evergreen trees, such as Fir, Douglas Fir, Spruce, Pine, and Hemlock shall be at least six (6) feet in height at the time of planting. When used for screening purposes, large evergreen trees shall be planted not more than twelve (12) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - b. Narrow evergreen trees, such as Red Cedar, Arborvitae and Juniper, shall be at least five (5) feet in height at the time of planting. When used for screening purposes, narrow evergreen trees shall be planted not more than five (5) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - c. Large deciduous canopy trees such as Oak, Maple, Beech, Linden, Ginkgo (male only), Honeylocust, Birch and Sycamore, shall be at least two-and-one-half (2.5) inches in caliper at the time of planting. When used for screening purposes, large deciduous trees shall be planted not more than twenty-five (25) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - d. Small deciduous ornamental trees, such as Dogwood, Pear, Cherry, Hawthorn (thornless), Redbud, Magnolia, Crabapple, Serviceberry and Hornbeam, shall be at least two (2) inches in caliper at the time of planting. When used for screening purposes, small deciduous trees shall be planted not more than twelve (12) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - e. Large evergreen shrubs, such as Irish, Hicks, Upright or Spreading Yews, Pfitzer or Savin Juniper, and Mugho Pine, shall be at least three (3) feet in spread at the time of planting. When used for screening purposes, upright evergreen shrubs shall be planted not more than two (2) feet on center. Spreading evergreen shrubs shall be planted not more than four (4) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.

- f. Small evergreen shrubs, such as Brown's Ward's, or Sebian Yews, Dwarf Spreading Juniper, and Dwarf Mugho Pine, shall be at least two (2) feet in spread at the time of planting. When used for screening purposes, small evergreen shrubs shall be planted not more than four (4) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - g. Large deciduous shrubs, such as Lilac, Sumac, Weigelia, Flowering Quince, Crabapple, Red Osier and Gray Dogwood, and Viburnum, shall be at least four (4) feet in height at the time of planting. When used for screening purposes, large deciduous shrubs shall be planted not more than six (6) feet on center. Plantings in two or more rows, on staggered centers, may be required for adequate screening.
 - h. Small deciduous shrubs, such as Potentilla or Fragrant Sumac, shall be at least two (2) feet in height if they have an upright habit, or two (2) feet in spread if they have a spreading habit, at the time of planting.
 - i. Containers for groundcovers such as Pachysandra, shall be a 2" peat pot, at a minimum. Containers for vines, such as Virginia Creeper, or Wisteria, shall be a two (2) gallon container, at a minimum. Groundcovers shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season, at a rate of at least three plants per square foot.
- (i) *Planning Commission modification.* The Planning Commission may modify the landscaping requirements of this Section upon finding that:
- (1) The topographic features or special characteristics of the site create conditions such that the strict application of the provisions of this Section will result in less effective screening and landscaping than alternative landscape designs.
 - (2) That the public benefit intended to be secured by this Section will exist with different landscaping or screening than required by this Section.

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Sec. 74-176. Requirements for final site plans. [ADDITIONS IN BOLD]

2. *Natural features.*

- a. Two USGS-based benchmarks on the site.
- b. Proposed open space and recreation areas, including use, size, and proposed improvements.

- c. A proposed landscape plan meeting **the requirements of Section 74-586.**
- d. A soil erosion control plan.
- e. A completed State/County Environmental Permits Checklist for Non-Residential projects as attached in Appendix A of the Land Development Standards. These permits must include all MDEQ wetland permits and any necessary endangered species approvals.

ORDINANCE DECLARED ADOPTED

CERTIFICATION

It is hereby certified that the foregoing Ordinance was adopted by the Township Board of Ann Arbor Charter Township, Washtenaw County, Michigan, at a meeting of the Board duly called and held on March 21, 2011.

ANN ARBOR CHARTER TOWNSHIP

By: _____
Michael C. Moran, Supervisor

Its: _____
Rena Basch, Clerk

Public Hearing: March 7, 2011
Planning Commission Recommendation: March 7, 2011
Adopted: March 21, 2011
Published and Effective: April 7, 2011 (7 days after publication)