

~~regarded as a common nuisance in Section 2, Act 359 of the Public Acts of 1941, as amended, may be removed.~~

- ~~(C) Planting of perennial native species on the natural vegetation strip is encouraged, especially where exposed soil or steep slopes exist. Or where reforestation is necessary. (off. date 1/23/98)~~

~~9.12.7 Application of Standards. In cases where non-conforming uses or non-conforming structures exist at the time of adoption of these standards, the Planning Commission may determine that compliance with all of the overlay standards of this section is unreasonable. In these cases, the standards shall be applied to the maximum extent possible. In such situation, suitable alternatives which substantially achieve the purpose of this section may be accepted by the Planning Commission, provided that the applicant demonstrates that one or more of the following conditions apply:~~

- ~~(A) Size of the parcel is insufficient to meet dimensional standards.~~
- ~~(B) A site plan, plat, or special use permit was previously approved by the Planning Commission or building permits were previously issued by the Building Department. (off. date 1/23/98)~~

Section 9.13 Woodlands Protection and Preservation Ordinance.

9.13.1 Purpose. It is the purpose of this section to protect woodlands within Green Oak Township and to preserve the economic, health, aesthetic, and environmental values associated with woodlands. Regulation of the removal of tree resources will help protect and preserve an important natural feature of the Township for the benefit of present and future generations, and for the future well-being of public health, Township character, and the natural environment. These provisions are also intended to prohibit clear-cutting of woodland areas within the Township.

9.13.2 Regulated Activities. This Section shall apply to land for which a site plan, plat, or site condominium plan has been submitted for approval to the Planning Commission on or after the effective date of this Ordinance. These provisions shall also apply to simple land divisions under the Green Oak Township Land Division Ordinance No. 77, and the State of Michigan Land Division Act.

9.13.3 Exemptions. The following activities or conditions are permitted under this Ordinance unless otherwise prohibited by statute or other ordinances.

- (A) Residential Parcels five (5) acres or less. Notwithstanding the provisions of this ordinance, removal or transplantation of trees is permitted on residential parcels of five (5) acres or less, provided the parcel supports only one (1) dwelling and permitted residential accessory uses and provided that the parcel is not part of a site plan, plat or site condo being reviewed or anticipated for review

under Section 9.13.2. This exemption shall not apply to landmark trees located on such parcels.

- (B) Emergencies. This Ordinance shall not bar tree removal, transplantation, or other prohibited activities where such actions were made necessary by a genuine emergency, such as tornado, wind storm, flood, freeze, dangerous and infectious insect infestations or disease, or other natural or man-made disasters, in order to prevent injury or damage to persons or property or to restore order.
- (C) Dead or Damaged Trees. This Ordinance shall not bar removal, transplantation, or trimming of dead, diseased, infested or damaged trees, where the damage resulted from an accident or natural cause, and provided that the removal or trimming is accomplished through the use of accepted standard forestry practices and techniques.
- (D) Public Utilities. This Ordinance shall not bar repair or maintenance work performed by public utilities which would necessarily require the trimming or cutting of trees. However, it is intended to encourage the preservation of trees by public utilities wherever possible.
- (E) Agricultural Uses. This Ordinance shall not bar removal or transplantation of trees occurring during the use of the land for agriculture or the operation of a commercial nursery or certified tree farm, provided the commercial nursery or certified tree farm has been licensed with the State of Michigan and has received all other necessary licenses and permits.
- (F) Woodlands Management. Thinning, selective clearing and trimming of trees shall be exempt from the permit requirements of this ordinance if conducted in accordance with professional forest management techniques as directed by a forester licensed and registered in the State of Michigan. Woodlands management activities shall not however include clear cutting or the wholesale removal of significant vegetation for the site.

9.13.4 Tree Inventory. For all lands, parcels, and projects to which these provisions apply, a tree inventory shall be required. The Planning Commission shall have the authority to waive the following tree inventory requirements if determined to be unreasonable, unnecessary, or not applicable. Provided, the Planning Commission shall not have the authority to waive the following requirements for woodlands within building envelopes and when pertaining to landmark trees. If the tree inventory is waived, the Planning Commission may still require compliance with some of the noted required information, and may also include an indication of tree massing and a

statement indicating predominate species and estimated number and size of trees on the site within each massing.

The tree inventory shall include the following information:

- (A) An inventory indicating location of all existing trees six (6) inch Diameter at Breast Height (D.B.H.) or more, including off-site trees within twenty-five (25) feet of the property lines, and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated, or to be removed shall be so designated. Clearing limits shall be clearly shown on the inventory. The inventory shall be accompanied by a separate key identifying the numbered trees by size, common name and condition.
- (B) Tree location inventories are to be performed by actual field survey by a registered land surveyor, registered landscape architect, or certified arborist or forester. Professionals must verify the contents by seal or signature, whichever applies.
- (C) If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.
- (D) A statement showing how trees to remain are to be protected during land clearance, construction, and on a permanent basis including the proposed use of tree wells, protective barriers, tunneling or retaining walls.
- (E) A description of soil types and soil characteristics.

9.13.5 Historic or Landmark Trees. A nomination for historic or landmark tree designation shall be reviewed and determined by the Planning Commission.

- (A) Any Township property owner may nominate a tree within their own property boundaries for designation as a landmark tree or historic tree. If nominated, the Planning Commission shall review the nomination request and if determined to meet the criteria listed below, shall be placed on the Township's Landmark Tree inventory.
- (B) The Planning Commission may designate a tree, upon nomination, as a historic tree upon a finding that, one (1) or more of the following unique characteristics exist:
 - (1) The tree is the predominant tree within a distinct scenic or aesthetically valued setting.

- (2) The tree is of unusual age or size for that species in this climatic and geographic location. (Examples include trees listed on the Register of Big Trees or the Michigan Botanical Club as large trees.)
- (3) The tree has gained prominence due to unusual form or botanical characteristics.
- (4) The tree has some historical significance to the Township.
- (C) The Building Department shall maintain an inventory of all nominated and designated Historic Landmark Trees.
- (D) A permit shall be required to remove any landmark or historic tree. Any historic tree shall be replaced on a 1 to 1 caliper inch basis. For example, a forty-eight (48") inch landmark tree shall be replaced by twenty-four (24) - two (2") inch trees. This replacement requirement may be waived if in the opinion of the Planning Commission, and after review by the Township's consultant, the health/condition of the tree is such that it should not be counted.

9.13.6 Landmark Trees. All landmark trees, as identified in the following chart, shall be indicated.

LANDMARK TREE LIST*

Common Name	Species	Size**
Arborvitae	<i>Thuja occidentalis</i>	18"
Ash	<i>Fraxinus</i> spp	24"
American Basswood	<i>Tilia americana</i>	24"
American Beech	<i>Fagus grandifolia</i>	24"
American Chestnut	<i>Castanea dentata</i>	8"
Birch	<i>Betula</i> spp.	18"
Black Alder	<i>Alnus Glutinosa</i>	18"
Black Tupelo	<i>Nyssa sylvatica</i>	18"
Black and White Walnut	<i>Juglans nigra, J. cinerea</i>	24"
Buckeye (Horsechestnut)	<i>Aesculus</i> spp.	24"
Cedar, Red	<i>Junipurus</i> spp.	18"
Crabapple (cultivar)	<i>Malus</i> spp.	12"
Douglas Fir	<i>Pseudotsuga menziesii</i>	24"
Eastern Hemlock	<i>Tsuga canadens</i>	18"
Elm	<i>Ulnus</i> spp.	24"
Flowering Dogwood	<i>Cornus florida</i>	8"
Ginko	<i>Ginkgo biloba</i>	24"
Hickory	<i>Carya</i> spp.	24"
Kentucky Coffee Tree	<i>Gymnocladus dioicus</i>	24"
Larch/Tamarck	<i>Larix laricina (Eastern)</i>	18"

Locust	Gleditsia triacanthus	24"
London Plane/Sycamore	Platanus spp.	24"
Maple	Acer spp. (exc. negundo, saccharium)	24"
Oak	Quercus spp.	24"
Pine	Pinus spp.	24"
Sassafras	Sassafras albidum	15"
Spruce	Picea spp.	24"
Tuliptree	Liriodendron tuliperifera	24"
Wild Cherry	Prunus spp.	24"

* The list includes those species that are prevalent in this area. Size designations take into consideration the potential longevity of the tree so that protected trees may still have years to grow.

** Size = D.B.H. (Diameter at Breast Height measured 4 1/2 feet above the existing grade.)

9.13.7 Trees to be Removed/Protected. Developments that are subject to these woodlands preservation regulations shall indicate all trees proposed to be removed and those to be preserved on the provided Tree Inventory. Those trees designated for protection shall be properly protected from damage due to construction operations and development. Prior to commencement of development or construction operations, land clearing, filling or any land alteration, a developer must erect and maintain suitable protective barriers to protect trees designated to remain under the submitted plan. The protective barriers shall be required for all trees designated to remain in place by the submitted plan.

9.13.8 Development of Land Parcels. Subject to the exemptions listed in 9.13.3, no person shall remove, cause to be removed, transplant or destroy, on any land in the Township slated for land development to which this Ordinance applies, any tree having six (6) inches or greater D.B.H., without first obtaining approval subject to the provisions of this ordinance. Protected trees shall be mitigated or replaced in accordance to the provisions of this ordinance

9.13.9 Tree Mitigation, Replacement

(A) Requirement Established. For each protected tree required to be preserved under the terms and standards set forth above, and which is permitted to be removed under this section, the applicant shall replace or relocate trees according to the replacement tree requirements set forth below.

(B) Replacement Tree Requirements

(1) Replacement trees shall have shade potential and/or other characteristics comparable to the removed trees, shall be State Department of Agriculture Nursery Grade No. 1 or

better, and must be approved by the Township prior to planting. Replacement trees must be staked, fertilized, and mulched, and watered, and shall be guaranteed by the applicant for two (2) years.

- (2) Trees usable for replacement trees may be transplanted on site using appropriate and accepted procedures and precautions.
- (3) For all regulated trees removed, replacement shall be on a one for one basis. For example, for each tree-removed, a replacement tree shall be planted. All replacement trees shall have a D.B.H. of at least two (2) inches. All evergreen replacement trees shall be at least six (6) feet tall.
- (4) Landmark trees shall be replaced at a rate of one (1) inch of replacement tree for each D.B.H. inch of landmark tree removed.
- (5) If more than fifty (50) percent of the parcel of land is designated on the Township's Woodland map, an applicant shall not be required to replace more than thirty (30) percent of all protected trees excluding Landmark trees.
- (6) The Planning Commission shall be authorized to waive portions of the tree replacement requirements when site factors, tree conditions or development requirements warrant special consideration, or if the applicant has adjusted site design to save landmark trees.

(C) Replacement Tree Location.

- (1) Township Approval Required. The Township shall approve tree relocation or replacement at off site locations in order to provide optimum enhancement, preservation, and protection of wooded areas. To the extent feasible and desirable, trees shall be relocated or replaced on site and within the same general area as trees removed, provided that survival shall not be jeopardized by improvements or activities.
- (2) Relocation or Replacement Off-site. Where it is not feasible and desirable to relocate or replace trees on site, relocation or replacement may be made at another location in the Township approved as part of the approval.

(D) Environmental Trust Fund If lot coverage or site characteristics prohibit on site or off site mitigation, contribution to the Township's Environmental Trust Fund may be permitted. In lieu of replacing

regulated trees, the Planning Commission may direct the applicant to exercise the option to contribute money to the Township's Environmental Trust Fund. Payment to the fund per tree removed shall be in accordance with replacement fee schedules as established by the Green Oak Township Board, and shall be used to fund tree planting activities on public land or public right-of-way areas.

Section 9.14 Lighting Regulations

9.14.1 Purpose. This section provides standards for various forms of outdoor lighting so as to properly illuminate buildings and sites for safety and security without contributing to light pollution, intrusive artificial light or degradation of the natural nighttime visual environment. (*eff. date 6/11/03*)

9.14.2 Applicability The standards in this Section shall apply to any light source that is visible from any property line, or beyond, for the site from which the light is emanating. The Building Official or designated individual may review any site to determine compliance with the requirements under this Section and may require a property owner or developer to make such corrections as necessary to comply with Section 3.6.0. Whenever a person is required to obtain a building permit, electrical permit for outdoor lighting or signage, a special land use permit, subdivision approval or site plan approval from the Township, the applicant shall submit sufficient information to assure the Building Official and/or Planning Commission that the proposed lighting can comply with this Section. Applicant shall bear responsibility for the actual performance of lighting in compliance with these requirements. (*eff. date 6/11/03*)

9.14.3 Definitions. The following words, terms and phrases, when used in this Section, shall have the meanings ascribed to them in this section: (*eff. date 6/11/03*)

Canopy Structure. Any overhead protective structure which is either extended from a building or free-standing, including an awning.

Foot-candle. A standard unit, established as a reference, and used when measuring the quantity of light. A foot-candle equals the total intensity of light that falls upon a one square foot surface that is placed one (1) foot away from one (1) lit candle.

Glare. Light that is misdirected into the eye of potential observers or passer-by, potentially impairing their ability to see clearly and compromising public safety and welfare.

Lamp. The component of the luminaire that produces the actual light including luminous tube lighting.

Light Fixture. The assembly that holds a lamp and may include an assembly housing, a mounting bracket or pole socket, a lamp holder, a ballast, a reflector or mirror, and a