

**ORDINANCE NO. 68A-3
TOWNSHIP OF WHITEFORD, COUNTY OF MONROE, STATE OF MICHIGAN**

AMENDMENT TO WHITEFORD TOWNSHIP ZONING ORDINANCE

An Ordinance to amend portions of Ordinance 68, the Whiteford Township Zoning Ordinance, regarding accessory buildings, existing small lots in the R3 Medium Residential District, landscaping, farm ponds and contiguous parcels in the EX-Extractive District and to repeal all sections and ordinances in conflict therewith.

**THE WHITEFORD TOWNSHIP BOARD OF MONROE COUNTY MICHIGAN,
ORDAINS:**

SECTION 1. TITLE

This ordinance amendment shall be known and cited as Whiteford Township Zoning Ordinance 68A-3.

SECTION 2. AMENDMENT TO ARTICLE VIII, SECTION 8.01

By deleting Section 8.01 as set forth in Article VIII and replacing it with a new Section 8.01 that shall read in its entirety as follows:

8.01 ACCESSORY BUILDINGS AND USES

Accessory buildings, except those in conjunction with legally defined farms or specifically stated as being exempt from this Section or as otherwise permitted in this ordinance, shall be subject to the following regulations:

1. In order to be an “accessory building,” the accessory building must be structurally separate from and not connected to the main building or structure. Where the building is structurally attached to the main building or structure, it shall be subject to, and must conform to, all regulations of this ordinance, applicable to the main building.
2. The total area of all accessory buildings shall not occupy more than twenty-five percent of a required rear yard, plus forty (40) percent of any non-required rear yard; provided that the total square footage of all of the accessory buildings shall not exceed 200 percent of the ground floor area of the main building on parcels of two (2) acres or less. Accessory buildings on parcels 2.1 acres and up to and including 4.99 acres shall not exceed 250 percent of the applicable main structure. On parcels of 5 acres or more with non-Agriculture buildings, the area of all accessory buildings shall not exceed 300 percent of the ground floor area of the main building on the parcel.
3. An accessory building shall not be located closer than sixty (60) feet to the front lot line.

4. No accessory building shall be located closer than ten (10) feet to any main building or to any side or rear lot line.
5. The sidewall of an accessory building shall not exceed the height of sixteen (16) feet, except for bona fide agricultural buildings in the AG district on parcels of five (5) acres or more. The height of said bona fide agricultural buildings shall not exceed forty (40) feet, except those structures customarily related to the farming operation such as silos, grain legs and storage bins, which may not exceed one hundred and twenty-five (125) feet in height.
6. When an accessory building is located on a corner lot, the side lot line of which is substantially a continuation of the front lot line of the lot to its rear, said building shall not project beyond the front yard line required on the lot in rear of such corner lot
7. Accessory buildings which are greater than one hundred (100) square feet shall require a building permit.
8. No accessory building shall be constructed in that area of the front yard located between the two side lines of the main building extending from the front of the building to the front lot line.
9. Accessory buildings, structures, and uses shall not be located within a dedicated easement or right-of-way.
10. No accessory building shall be issued a building permit prior to the satisfactory final inspection by the Township of the principal building's foundation and footers.
11. All agricultural and farm buildings on property located in the agricultural district shall require a building permit unless the applicant obtains an exemption and submits sufficient evidence to reasonably prove that the building is intended to be used for agricultural purposes. Such evidence must include a business plan stating the intended use of the building, whether the building will be accessible to the general public and whether it will be used for retail or storage.
12. All accessory buildings on property located in the agricultural district shall be located not less than 100 feet from any dwelling and not less than 25 feet from any lot line or property boundary, and provided that the main farm buildings shall not be less than 150 feet from the front property line. This shall not prohibit the alteration of or addition to an existing barn or other farm buildings, except dwellings, which are located closer to the road and which lawfully existed prior to the enactment of this ordinance.

SECTION 3. R3, MEDIUM DENSITY RESIDENTIAL – EXISTING NON-CONFORMING LOTS UNDER 20,000 SQ. FT.

By amending Article IV, Section 4.08 to add a new paragraph 7 that shall read in its entirety as follows:

7. Existing Small Lots. All existing, non-conforming R-3 medium density residential lots having an area less than 20,000 sq. ft. must comply with all setback, frontage and other requirements of the R-3 District; provided however, these lots shall not be required to connect to municipal water and sewer. Additional restrictions may be imposed by the Monroe County Health Department. All R-3 medium density residential lots created after the date of this Ordinance must comply with all of the restrictions set forth in Section 4.16 Schedule of Regulations, including but not limited to, having a minimum lot size of 20,000 sq. ft. and connecting to municipal water and sewer.

SECTION 4. LANDSCAPING

By deleting Section 9.06 of Article IX and replacing it with a new Section 9.06 that shall read in its entirety as follows:

1. Purpose

- A. The purpose of this section is to ensure that landscaping is provided to:
1. Protect and enhance the visual appeal of the Township;
 2. Contribute to high-quality development;
 3. Conserve water resources by using species which are native, low water-use, and regionally appropriate;
 4. Improve water quality;
 5. Reduce stormwater runoff in parking areas and other impervious areas;
 6. Improve air quality;
 7. Buffer potentially incompatible adjacent land uses.

2. Definitions

- A. The provisions set forth herein shall apply to any new property development, expansion of existing development or redevelopment of an existing development, which includes but is not limited to all non-residential, manufactured home parks, and multiple-family residential use areas.
1. New Development or Redevelopment – these landscaping standards shall apply to all new development or redevelopments, unless otherwise exempted from this code.

2. Expansions or enlargements – these standards shall apply to the following sites:

- a. Where the gross floor area of an existing structure is expanded or enlarged by 25 percent or more.
- b. There is a change of use of the existing building that requires a change in off-street parking.
- c. Any expansion or enlargement of a structure or land use that requires planning commission approval, I.E. special use/conditional use, site plan approvals.

3. These landscaping standards shall apply when parking area improvements are made including reconfiguring, reconstructing or other similar projects. Resurfacing and restriping projects only are not considered site projects which require compliance to these landscaping requirements.

B. Landscaping plans shall be approved by the planning commission prior to the issuance of a building permit and shall be prepared in accordance with the following:

1. Planting plan specifications.

- a. Minimum scale of one inch = 50 feet.
- b. Existing and proposed contours with contour interval not to exceed two feet.
- c. The planting plan shall indicate, to scale, the location, spacing and starting size for all proposed landscape material within the required greenbelt or landscaped area.
- d. Typical straight cross section including slope, height and width of berms and swales with type of ground cover or height and type of construction
- e. Significant construction details to resolve specific site conditions, e.g. tree wells to preserve existing trees, culverts to maintain natural drainage patterns.
- f. Planting and staking details to insure proper installation and establishment of proposed plant materials.
- g. Landscaping shall be installed in a manner consistent with accepted planning procedures set forth by the American Association of

Nurserymen and approved by the American National Standards Institute, Inc.

- h. Unless noted otherwise, all values calculated at 0.25 and above will be rounded up to the next whole number. There will be a minimum quantity of one (1) provided in each category.
- i. Proximity to Utilities: Plant material shall not be located in a manner that will interfere with or cause damage to underground utility lines, public roads or other public facilities. No trees shall be planted below or within 10' of any overhead utility.
- j. The planning commission reserves the right to make additions to the landscaping requirements noted herein as they deem appropriate based on the location of the site within the township, ultimate site layout presented by the property owner, or as it feels is in the best interest of the township.
- k. No plantings shall occur within the area deemed part of the field area, as defined by the Monroe County Health Department (MCHD), of any septic system unless approve by the MCHD.
- l. All plantings within the township shall be live materials. Artificial turf, artificial trees & landscaping, etc. shall not be permitted.
- m. All required plantings are preferred between the development area of the project and the road, but may be spaced throughout the proposed area of improvements in a natural configuration. All required landscaping shall be within 20' of the proposed site improvements. The planning commission reserves the right to adjust the location of landscaping.

C. Landscaping Design Standards

- 1. General landscaping. Except for those areas occupied by buildings, driveways, drive aisles, loading areas, parking areas, patios and walkways, all areas of a site shall remain in lawn or landscaped area according to this ordinance. Unless specified otherwise in this ordinance, the following minimum plant material shall be provided:
 - a. A mixture of evergreen and deciduous trees shall be planted at the rate of one tree for each 20,000 square feet or fraction thereof of lawn area outside of the other required landscaped areas noted in this ordinance.
- 2. Detention Ponds:
 - a. To the extent possible, pond configuration shall be incorporated into the natural topography of the site and when possible shall not be

designed within the front yard setback of the site. Where these requirements are not practical, the pond shall be shaped to emulate a natural formed 'free form' depression and shall be part of the natural landscape and open space system of the site.

- b. Trees and shrubs should be planted in a natural pattern and are not limited to strict placement along the edge of the pond. Trees, however, must be planted above the freeboard line of the pond. Shrubs planted below the freeboard line of the pond must be tolerant of wet or moist soil conditions. The location of plant material shall be done in consideration of the need to provide access for and minimize disruption of plant material during routine pond maintenance.
 - c. Plantings shall be provided a rate of one (1) tree and four (4) shrubs per two hundred (200) linear feet of pond perimeter as measured along the top elevation of the pond bank.
 - d. Side slopes shall not exceed one foot vertical for every five (5) feet horizontal.
 - e. Maintenance of detention/retention ponds and the landscaping thereof shall be the responsibility of the property owner or of the development association whichever is appropriate and shall be conducted in a manner acceptable to the township. Should maintenance not be carried out in an acceptable manner it shall be considered a violation of township ordinance.
3. Greenbelt Standards: A greenbelt is the land abutting a public street, private street or access drive that shall be reserved as a landscaped area to serve as an obscuring screen, noise abatement and visual enhancement along roadway corridors. For land abutting the U.S. 23 right-of-way, refer to the additional greenbelt standards set forth in paragraph 4 below.
- a. General Greenbelt Requirements:
 - 1) The width of the greenbelt shall be equal to at least twenty (20) feet.
 - 2) The width of the greenbelt shall be measured from the right-of-way line.
 - 3) Where plantings and landscaping are placed within the Greenbelt, they shall be arranged to emulate the landscape character of the surrounding areas. For instance, greenbelts in the business districts should possess a formal arrangement with an evenly spaced planting row where natural groupings of plantings may be more appropriate for development in the outlying areas.

4) Greenbelts shall be designed to ensure adequate sight visibility for motorists, adequate clearance for pedestrians and vehicles, clearance from overhead utility lines, adequate separation from underground utilities and accessibility to fire hydrants. Where such conditions prohibit full compliance, the Planning Commission may adjust the location of the required materials.

b. Buffer Zones: A buffer zone is a landscape area which serves to visually obstruct views from abutting uses. The Planning Commission has the discretion to modify these requirements as appropriate to adjust to site conditions or uses proposed. A buffer shall be provided between the subject site and all adjacent properties as follows:

Subject Site	Adjacent To
R-4 High Density Residential District or use and R-5 Multiple Family Residential District or Use	R-1, R-2 or R-3 Residential District or Use
B-1, B-2, M-1, M-2, PUD, EX and any non-residential District or Use	Any Residential District or Use
M-1 and M-2 Manufacturing District or Use	Any Business or Office District or Use

For purposes of buffer zones, a residential dwelling on a parcel zoned AG shall be considered a residential use.

A buffer zone is to consist of:

- 1) One (1) canopy tree and three (3) shrubs, or one (1) evergreen tree and three (3) shrubs per twenty (25) linear feet along the property line, rounded upward.
- 2) At a minimum, the width of the buffer shall be equal to the required building or parking lot setback.
- 3) The buffer length shall extend from the front right-of-way line to a point 10' past the furthest point of site improvement or development use, and extended perpendicular to the common property line between the uses being separated.

4. U.S. 23 Frontage Greenbelt: For land with frontage on U.S. 23 right-of-way, the following greenbelt shall be provided along the expressway right-of-way line.

- a. One (1) canopy tree and one (1) evergreen tree for every fifty (50) linear feet along the property line.

- b. The greenbelt shall be a minimum of fifty (50) feet wide.
 - c. The Planning Commission may require a berm for some sites if it is deemed necessary to meet the intended screening.
 - d. Plantings may be staggered within the greenbelt to meet minimum spacing requirements.
5. Landscaping for zoning classifications R-4, R-5, P.U.D and TND: In addition to any applicable landscape standards listed in this section, R-4, R-5, P.U.D. and TND districts shall provide the following landscaping:
- a. Street trees shall be provided at a rate of one tree (1) per fifty (50) linear feet of frontage, or portion thereof, along all interior streets.
 - b. Cul-de-sacs shall be planted at a rate of one (1) canopy tree, or two (2) ornamental trees, per 1,000 square foot area. Fractions of trees shall be rounded upward to the nearest whole number.
 - c. Cul-de-sacs, site entrances and boulevard medians shall be landscaped with species tolerant of roadside conditions. The landscape plan shall take into consideration sight distance, size of planting area, location of pathways, maintenance of adequate overhead clearance, accessibility to fire hydrants, visibility of approved signs and compatibility with the visual character of the surrounding area.
 - d. Front yard landscaping shall be provided at a rate of one (1) canopy tree and four (4) shrubs for every unit.
 - e. Outdoor, ground mounted equipment such as air conditioning units and electrical transformers shall be screened.
6. Materials Standards and Specifications – Native, low-water, drought-tolerant, adaptive plants shall be used for all landscaping. Plants shall be suitable for the local soil conditions and climate along with the site conditions being located within.

Hedges shall be planted and maintained so as to form a continuous, unbroken visual screen within two years after planting.

- a. Ground covers used in lieu of turf grasses in whole or in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage after one complete growing season.
- b. Mulching material for planted trees, shrubs, and vines shall be a minimum of three inches deep, and installed in a manner as to present

a finished appearance. Also, straw or other mulch shall be used to protect newly seeded areas.

- c. Top Soil: Top soil shall consist of a four (4) inch base for lawn areas and an eight (8) inch-twelve (12) inch base with planting beds.
- d. Lawn Grasses: Lawn grasses shall be planted in species normally grown as permanent lawns in Monroe County. Grasses may be plugged, sprigged, seeded or sodded. Rolled sod, erosion reducing net or suitable mulch shall only be used in swales or other areas susceptible to erosion and shall be staked where necessary for stabilization. When complete sodding or seeding is not used, nurse grass seed shall be sown and mulched for immediate protection until permanent coverage is achieved. Grass sod and seed shall be free of weeds and noxious pests or disease.
- e. Landscape Berms: Where provided, landscape berms shall conform to the following standards.
 - 1) The berm shall be at least three (3) feet above the grade elevation.
 - 2) Sides of the berm shall be constructed with slopes no steeper than one (1) foot vertical for each three (3) feet horizontal.
 - 3) Berms shall have a crest area of at least four (4) feet wide on the top.
 - 4) In measuring slope and height, grade elevation shall be the ground elevation at the property line adjacent to the proposed berm.
 - 5) The exterior face of the berm shall be constructed as an earthen slope with a retaining wall or terrace.
 - 6) Side slopes shall be protected from erosion by sod, seed or other living ground cover. If slopes are seeded, they shall be protected, until the seed germinates and a permanent lawn is established.
- f. Regulations Pertaining to Landscaping Areas Used for Sight Distance: When an access drive intersects a public right-of-way or when the subject property abuts the intersection of a public right-of-way, all landscaping within the corner triangular areas described below shall permit unobstructed cross-visibility. Shrubs located in the triangular area shall not be permitted to grow to a height of more than thirty (30) inches above the pavement grade at the edge of the pavement. Trees may be maintained in this area provided that all branches are trimmed to maintain a clear vision for a vertical height of ten (10) feet above the roadway surface. Landscaping, except grass or ground cover, shall not be located closer than three (3) feet from the edge of a driveway.

The triangle areas referred to above are:

- 1) The area formed at the corner intersection of a public right-of-way and an access drive, two (2) sides of the triangle area being twenty (20) feet in length measured along the right-of-way line and access drive line and the third side being a line connecting these two (2) sides.
 - 2) The area formed at a corner intersection of two (2) public right-of-way lines, the two (2) sides of the triangular area being twenty (25) feet in length measured along the abutting public right-of-way lines and the third side being a line connecting these two (2) sides.
- g. Completion of Improvements: Tree stakes, guy wires, and tree wrap shall be removed after completion of the initial growing season.
- h. Landscaping shall be planted within six months from the date of completion of the building or improvement, and shall thereafter be reasonably maintained with permanent plant materials in accordance with an approved site plan. Final certificate of occupancy shall be withheld until landscaping has been installed as per an approved landscape plan. A temporary certificate of occupancy may be issued in the interim subject to the posting of a bond in accordance with the provisions set forth in this ordinance.
- i. The owner of landscaping required by this ordinance shall maintain the landscaping in a healthy, neat, and orderly appearance, free from refuse and debris. All unhealthy and dead plant material shall be replaced immediately or in the next appropriate planting period.
- j. Minimum Sizes and Spacing: The minimum plant sizes shall be provided in accordance with the following:

Plant Type	Minimum Plant Size	Spacing Requirements
Large Deciduous Canopy Trees	Two and one half (2-1/2) inch caliper; Eight (8) ft height	Thirty (30) ft on center
Ornamental Trees	Two (2) inch caliper Six (6) ft height	Ten (15) ft on center
Evergreen Trees	Eight (8) ft height	Fifteen (15) ft on center
Large Deciduous Shrubs	Four (3) ft height	Four (4) – six (6) ft on center
Upright Evergreen Shrubs	Three (3) ft height	Four (4) – six (6) ft on center

k. Plant materials shall not be placed closer than four (4) feet from the fence or property line.

l. Where plant materials are placed in two (2) or more rows, plantings shall be staggered in rows.

m. Suggested Plant Materials:

- 1) Evergreen Trees – Pines, Fir, Junipers, Spruce, Douglas Fir, Larch.
- 2) Columnar Evergreens – Juniper, Pyramidal Arbor Vitae.
- 3) Tree-like Shrubs – Flowering Crabapple, Redbud, Osage Orange, Dogwood, Rose of Sharon, Hawthorn, Amur Maple, Gold Rain Tree, Flowering Pear, Amelanchier.
- 4) Large Deciduous Trees – Oak, Hackberry, Planetree (Sycamore), Ginkgo (male only), Hop Hornbeam (Ironwood), Linden, Chestnut, Alder, Hard Maple, Birch, Beech, Honey Locust (thornless varieties only), Sweet Gum, Walnut, Hickory, Tulip Tree, Blackgum.
- 5) Deciduous Shrubs – Lilac, Euonymus, Cotoneaster, Beauty Bush, Mock Orange, Barberry, Holly, Currant, Viburnum, Forsythia, Smoketree, Hydrangea, Privet, Flowering Quince, Boxwood, Potentilla, Weigela, Dogwood, Witchhazel, Ninebark, Spicebush, Hazelnut, Chokeberry, Chokecherry, Buttonbush, American Elder.
- 6) Evergreen Shrubs – Yew (globe or upright), Spruce, Dwarf Pine, Arborvitae, Fir, False Cypress, Mugo Pine.
- 7) Ornamental Trees – Flowering Crabapple, Birch, Amelanchier, Hornbeam, Rose of Sharon, Dogwood (tree form), Magnolia, Redbud, Hawthorn, Fruit (pear, cherry, plum, peach), Serviceberry.
- 8) Trees NOT Permitted – Box Elder, Soft Maple (Red, Silver), Elms (American, Chinese, Siberian), Poplar, Cottonwood, Tree of Heaven (Ailunthus), Willow, Horse Chestnut, Ginkgo (Female), Catalpa, Ash, Australian Pines, European Alder, Golden Rain Tree, Amur Cork Tree, Princess or Royal Empress Tree, Japanese Honeysuckle, Buckthorn, Black Locust.
- 9) These lists, including species not permitted, may be updated at any time. General compliance with current local

industry organizational standards, as previously noted, shall dictate the acceptable species permitted at the time of township approval and construction.

SECTION 5. FARM PONDS

By amending Article VIII, Section 8.23 to add a new paragraph 14 that shall read in its entirety as follows:

14. Agricultural Farm Ponds. All ponds, including agricultural farm ponds, must comply with the site plan review and approval process. An applicant intending to build an agricultural farm pond must provide sufficient evidence to the Township that the pond complies with all applicable GAAMPs adopted by the Michigan Department of Agriculture or its successor organization.

SECTION 6. EX – EXTRACTIVE DISTRICT – CONTIGUOUS PARCELS

By amending Article IV, Section 4.15 to add a new paragraph 7 that shall read in its entirety as follows:

7. Contiguous Parcels - In determining the size of the Extractive Operational Area, individual parcels of less than twenty acres may be considered so long as they are contiguous, owned by a single landowner and together comply with the minimum acreage requirement.

SECTION 7. CONFLICTING ORDINANCES

All Ordinances or parts of Ordinances in conflict herewith are hereby repealed. The remaining provisions of the Whiteford Township Zoning Ordinance shall remain in full force and effect.

SECTION 8. EFFECTIVE DATE

This Ordinance shall take effect thirty (30) days after publication.

WHITEFORD TOWNSHIP BOARD
OF TRUSTEES, MONROE COUNTY,
MICHIGAN

AUTHENTICATED:

By: _____
Angela Christensen,
Whiteford Township Clerk

By: _____
Walter Ruhl,
Whiteford Township Supervisor

I, Angela Christensen, do hereby certify that I am the duly elected and acting Clerk of the township of Whiteford, and I do hereby certify that this Ordinance was adopted by the Whiteford Township Board of Trustees, Monroe County, Michigan, at a regular

meeting of the Township Board held at the Whiteford Township Hall, 8000 Yankee Road, Suite 100, Ottawa Lake, Michigan 49267, on the 19th day of July, 2022.

The vote on said Ordinance, 5 members being present and 0 members being absent, was as follows:

AYES: Sahloff, Hill, Heidelberg, Christensen, Ruhl

NAYS: None

I, Angela Christensen, Whiteford Township Clerk, do hereby certify that this Ordinance, or a summary of it, was published on the 3rd day of August, 2022 in the Monroe Evening News, located in the City of Monroe, Monroe County, Michigan, a newspaper of general circulation in the Township of Whiteford, within thirty (30) days after adoption of the Ordinance.

Dated: August 4, 2022

Angela Christensen,
Whiteford Township Clerk

ATTEST:

Walter Ruhl,
Whiteford Township Supervisor

ADOPTED: July 19, 2022

PUBLISHED: August 3, 2022

EFFECTIVE: September 2, 2022