

**Charter Township of Canton Board Proceedings-October 20, 2009**

**6:30 P.M. CLOSED SESSION: SALE OF PROPERTY** Motion by Bennett, supported by Taj to move from open session to closed session at 6:35 p.m. for discussion purposes of sale of property. Motion carried by all members present. **Roll Call** Members Present: Anthony, Bennett, LaJoy, Taj, Williams (arrived 6:43 p.m.) Members Absent: Caccamo, McLaughlin Staff Present: Tim Cronin Motion by Bennett, supported by Anthony to move from closed session to open session at 7:05 p.m. Motion carried by all members present. A regular meeting of the Board of Trustees of the Charter Township of Canton was held Tuesday, October 20, 2009, at 1150 Canton Center S., Canton, Michigan. Supervisor LaJoy called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance to the Flag. **Roll Call** Members Present: Anthony, Bennett, Caccamo (arrived 7:13 p.m.), LaJoy, Taj, Williams Members Absent: McLaughlin Staff Present: Executive Director Santomuro, Director Conklin, Director Faas, Dave Medley, Deputy Chief Nemecek, Tim Cronin Staff Absent: Director Eva **Adoption of Agenda** Motion by Williams, supported by Anthony to approve the agenda as amended adding G-7 First Amendment to land contract with Dick Scott for property on Michigan Avenue and move G-6 Create and Fill Manager of Legal Services and Contract Administration Position. (Supervisor) to G-1 and move G-7 First Amendment to land contract with Dick Scott for property on Michigan Avenue to G-2, all other items will move down two items. Motion carried by all members present. **Approval of Minutes** Motion by Bennett, supported by Williams to approve the Board Study Minutes of October 6, 2009. Motion carried by all members present. Motion by Bennett, supported by Taj to approve the Board Minutes for October 13, 2009. Motion carried by all members present. **CONSENT CALENDAR: Item 1. CONSIDER 2010 MEETING DATES FOR THE BUILDING BOARD OF APPEALS.** (MSD) Motion by Bennett, supported by Taj to establish the Canton Township's Building Board of Appeals' meeting schedule for the year 2010. Meetings will be scheduled as needed and will be held at the Charter Township of Canton Administration Building, 1150 Canton Center South.. Motion carried by all members present. **Item 2. CONSIDER 2010 MEETING DATES FOR THE ZONING BOARD OF APPEALS.** (MSD) Motion by Bennett, supported by Taj to establish the Canton Township Zoning Board of Appeals' meeting schedule for the year 2010 as follows: Second Thursday of each month at 7:00 p.m. to be held at the Charter Township of Canton Administration Building, 1150 Canton Center South. Motion carried by all members present. **GENERAL CALENDAR: Item 1. CREATE AND FILL MANAGER OF LEGAL SERVICES AND CONTRACT ADMINISTRATION POSITION.** (SUPERVISOR) Motion by Bennett, supported by Taj to create and fill the position of Manager of Legal Services and Contract Administration. Motion carried by all members present. **Item 2. FIRST AMENDMENT TO LAND CONTRACT WITH DICK SCOTT FOR PROPERTY ON MICHIGAN AVENUE.** Motion by Bennett, supported by Taj to approve the first amendment to the land contract with Dick Scott for property on Michigan Avenue. Motion carried by all members present. **Item 3. CONSIDER SPECIAL LAND USE REQUEST FOR A DANCE STUDIO TO BE LOCATED IN A LI-2, LIGHT INDUSTRIAL ZONING DISTRICT.** (MSD) Motion by Bennett, supported by Williams to adopt the resolution for the special use for Elite Dance Force. Motion carried by all members present. **Item 4. CONSIDER SWITCZ REZONING.** (MSD) Motion by Bennett, supported by Anthony to adopt the resolution rezoning request of Henry Switcz. Motion carried by all members present. **Item 5. CONSIDER FUTURE LAND USE MAP AMENDMENT – SINGH EXECUTIVE PARK.** (MSD) Motion by Bennett, supported by Williams to accept the Planning Commission's decision to amend the Comprehensive Plan, as described and depicted on the maps. Motion carried by all members present. **ADOPTION OF ZONING ORDINANCE AMENDMENTS.** (MSD) Motion by Bennett, supported by Taj to adopt the 2009 Zoning Ordinance Amendments. Motion carried by all members present. **2009 Zoning Ordinance Amendments, Final Draft – October 27, 2009, ARTICLE 2.00. GENERAL PROVISIONS, Accessory structures and uses.** Accessory structures and uses shall comply with the following regulations:

- G. Residential wind energy turbines (on-site).**  
Wind energy turbines may be erected on an occupied lot or parcel as an accessory use to an existing permitted principal building, structure, or use, in accordance with the following guidelines:  
 1. Minimum lot size – 2 acres.  
 2. Setback from all property lines- 1 foot for every foot of height, measured to highest vertical position of the turbine blade.  
 3. Location – The turbine and any support structure shall be located behind the rear building line of the principal building or structure on lot or parcel.  
 4. Maximum height – 30 meters (100 feet)  
 5. Maximum sound threshold – on site wind energy systems shall not exceed 55 dB(A) at the property line closest to the wind energy system. If the ambient sound pressure level exceeds 55 dB(A), the maximum standard shall be the ambient dB(A) plus 5 dB(A).  
 6. Shadow flicker mitigation – The applicant shall conduct an analysis of potential shadow flicker at occupied structures over the course of a year, and describe measures that will be taken to eliminate or mitigate the problem.  
 7. Safety – the on-site wind energy system shall have an automatic braking, governing, or feathering system to prevent uncontrolled rotation or over speeding and shall be provided with lightning protection. The minimum vertical blade tip clearance shall be 20 feet for a wind energy system employing a horizontal axis rotor.

- H. Wind energy turbines (building-mounted).**  
Wind energy turbines may be installed on the roof or attached to the walls of any existing structure in accordance with the following guidelines:  
 1. No portion of the turbine may exceed the height requirements of the zoning district in which it is located.  
 2. The turbine blades may not exceed a diameter of 3 feet on residential structures and a diameter of 7 feet on non-residential structures.  
 3. A maximum of one (1) wind turbine unit may be installed on a single-family residential structure. The number of units proposed for attached residential structures and non-residential buildings are subject to site plan approval.  
 4. All wind turbines shall be located to reduce, as much as possible, the visual impact it has on surrounding properties and from public or private streets. In no case shall wind turbines, or their support structures be mounted to the front or side walls of single-family detached residential structures.

**Exceptions.**  
 C. *Exceptions to height standards.* The height limitation of this ordinance shall not apply to chimneys, church spires, clocks or bell towers or other similar architectural design elements, public monuments, or wireless transmission towers, provided that such structures do not exceed 20 feet above the maximum height in the district in which they are located. In addition, wind energy turbines may be erected pursuant to the height limitations of section 2.03.G.

**2.29 Temporary portable storage containers and trash receptacles. ARTICLE 1.00. RULES OF CONSTRUCTION AND DEFINITIONS**

- 1.03. Definitions.**  
*Special event:* An occurrence of seasonal, civic, or cultural or religious importance, which is organized and sponsored by a nonprofit Canton Township community group, organization, club or society, and which offers a distinctive service to the community, such as public entertainment, community education, civic celebration, or cultural or community enrichment. Sidewalk sales, grand openings, anniversary events, tournaments, and other similar events organized by for profit entities may also be considered special events. Special events typically run for a short period of time (less than two weeks) and are unlike the customary or usual activities generally associated with the property where the special event is to be located. All such special events shall be open to the public.  
**2.07. Temporary structures and special events.**  
 B. *Special events.* The township board, or its designee, in accordance with policy guidelines it establishes, may grant temporary use of land and structures for special events, as defined in article 1.00 of this ordinance. The policy shall be administered by the Building Official and a compliance permit shall be issued prior to the commencement of the activity. Temporary placement of signs or banners proposed for a special event shall be submitted to the Building Official for review, a n d approval pursuant to Article 6A.  
**2.24. Setbacks from wetland areas and buffers from watercourses.**  
 C. A natural, undisturbed stormwater protection buffer shall be maintained along any creek, drain, or watercourse, whether under jurisdiction of Wayne County, MDEQ, or other permitting agency. Such buffer shall have a minimum width of 25 feet, measured from either the edge of the easement of a drain or the top of bank of other natural watercourses (except for the Rouge River), whichever is greater. The buffer shall be a minimum of 75 feet, measured from the top of bank of the Rouge River. A buffer shall not be required for work associated with an approved permit from the appropriate permitting agency or for required maintenance of a County drain. The buffer requirement shall also not apply for installation of a bio-retention system or stream bank stabilization plan which is designed for a proposed development and depicted on the landscape plans of the approved site plan or subdivision plan for the proposed development.

**ARTICLE 5.00. LANDSCAPING, SCREENING, AND WALLS General landscaping requirements.**  
**A. General site requirements.**  
 3. All lawn and landscaped areas shall be provided with four inches of topsoil or compost on untilled surfaces or two inches of topsoil or compost on tilled surfaces.  
**L. Stormwater detention basins.**  
 5. *Native plant installations: Seeding vs. planting of plugs/bare root stock.*  
 a. Native seed mixes shall include an annual cover crop consisting of ten pounds/acre of annual rye and 30 pounds/acre of seed oats in accordance with industry standards in order to provide cover and establish soil stability for the first winter. The planting zone shall be roto-tilled to a depth of six inches and supplemented with an additional four inches of topsoil or compost. All areas seeded in accordance with this ordinance requirement shall be properly stabilized with a mulch blanket pegged-in-place. A barrier/wildlife-deterrent fence is required for a period of one year to protect the planting and prevent regular mowing.

- L. Specific requirements for bio-retention areas, swales, and rain gardens.**  
 1. Bio-retention areas and swales shall be constructed in the following manner:  
 a. After forming bio-retention area lay permeable geo-textile fabric over grade.  
 b. Install 6" perforated under drain with geo-textile wrap in twelve inches of 1 1/2-3" of washed gravel base.  
 c. Cover gravel with another layer of geo-textile fabric.  
 d. Install 6" layer of washed 1/4- 1/2" pea stone.  
 e. Cover with 12-18" of planting mix composed of 70% compost and 30% sharp sand.  
 f. Install perennials/grasses/shrubs or native seed mix that tolerate moist conditions and salt. Native plants are recommended.  
 g. Install 2-3" of organic mulch if using plants.  
 h. Install erosion control fabric over seeded areas.  
 i. Allow at least 6" of storage depth above the planting mix.  
**2. Rain Gardens shall be constructed in the following manner:**  
 a. Excavate to a depth of 2-3'.  
 b. Install a planting mix of 70% compost and 30% sharp sand.  
 c. Install perennials/grasses/shrubs that tolerate moist conditions and salt. Native plants are recommended.  
 d. Install 2-3" of organic mulch.  
 e. In heavy clay soils, a perforated under drain may be desirable if feasible.  
 f. Allow the storm water to overflow during heavy rain events.

**5.03. Specific landscaping requirements for zoning districts.**  
**B: Requirements for commercial and industrial districts.** In addition to the general landscaping requirements set forth in Section 5.02, all lots or parcels of land located in C-1, C-2, C-3, C-4, O-1, MRD, HRD, LL-R, LI-1, LI-2, and GI zoning districts shall comply with the following landscape requirements:  
 3. *Landscaping adjacent to roads.* All front, side, or rear yards adjacent to roads, including berm areas, shall be landscaped in accordance with the following standards (see illustration): A minimum of two (2) deciduous trees, (1) evergreen tree, and one (1) ornamental tree shall be planted for each 100 lineal feet or portion thereof of road frontage. A minimum of one (1) shrub shall be planted for each 10 lineal feet or portion thereof of road frontage, with a minimum of 5 shrubs required. Dwarf species of shrubs may be utilized at a rate of 1.5 times the base shrub requirement. For purposes of computing road frontage, openings for driveways and sidewalks shall not be counted. Trees may be planted at uniform intervals, at random, or in groupings, and shall be located to provide clear vision to any proposed ground sign. Shrubs must be planted in masses of at least five.

**ARTICLE 5A. FOREST PRESERVATION AND TREE CLEARING Sec. 5a.01. Definitions.**  
 The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:  
*Caliper* means the diameter of a tree trunk measured 6" (15 cm) above ground level for trees up to 4" caliper and 12" above the ground for larger sizes.

- Sec. 5a.05. Tree removal permit.**  
 B. *Exemptions.* All agricultural/farming operations, commercial nursery/tree farm operations and occupied residentially used lots of less than two acres in size, including utility companies and public tree trimming agencies, shall be exempt from all permit requirements of this article.  
 D. *Application.* Permits shall be obtained by submitting a tree removal permit application in a form provided by the Municipal Services Department. The application shall include a tree survey conducted not more than 2 years prior to the date of application and contain the following information:  
 1. The owner and/or occupant of the land on which the tree is located.  
 2. The legal description of the property on which the tree is located.  
 3. A description of the area affected by the tree removal, including tree species mixture, sampling of tree size and the notation of unusual, scarce or endangered trees.  
 4. A description of each tree to be removed, including diseased or damaged trees, and the location thereof.  
 5. A general description of the affected area after the proposed tree removal.

**Sec. 5a.06. List of landmark/historic trees.** Landmark/historic trees are as follows:

Common Name	Species	DBH
Arborvitae	Thuja occidentalis	18"
American Basswood	Tilia americana	24"
American Beech	Fagus grandifolia	18"
American Chestnut	Castanea	8"
Birch	Betula spp.	18"
Black Alder	Alnus glutinosa	12"
Black Tupelo	Nyssa sylvatica	12"
Black Walnut	Juglans nigra	20"
White Walnut	Juglans cinerea	20"
Buckeye (Horse Chestnut)	Aesculus spp.	18"
Cedar, Red	Juniperus spp.	12"
Crabapple (cultivar)	Malus spp.	12"
Douglas Fir	Pseudotsuga menziesii	18"
Eastern Hemlock	Tsuga canadensis	12"
<i>Fir</i>	<i>Abies spp.</i>	18"
Flowering Dogwood	Cornus florida	8"
Ginkgo	Ginkgo biloba	18"
<i>Hackberry</i>	<i>Celtis occidentalis</i>	18"
Hickory	Carya spp.	18"
Honey Locust	Gleditsia triacanthos	24"
Kentucky Coffeetree	Gymnocladus dioica	18"
Larch/tamarack	Larix laricina (Eastern)	12"

<i>Sycamore/London Planetree</i>	<i>Platanus spp.</i>	18"
Maple	Acer spp.(except negundo and saccharinum)	18"
Oak	Quercus spp.	20"
Pine	Pinus spp.	18"
Sassafras	Sassafras albidum	15"
Spruce	Picea spp.	18"
Tuliptree	Liriodendron tulipifera	18"
Cherry	Prunus spp.	18"

- Sec. 5a.08. Relocation or replacement of trees**  
 A. *Landmark tree replacement.* Whenever a tree removal permit is issued for the removal of any landmark tree with a DBH of six inches or greater, such trees shall be relocated or replaced by the permit grantee. Every landmark/historic tree that is removed shall be replaced by three trees with a minimum caliper of four inches. Such trees will be of the species from section 5b.06.  
 D. *Replacement tree standards.* All replacement trees shall:  
 4. Be replaced immediately after the removal of the existing tree, in accordance with the American Association of Nurserymen standards.  
 5. Be of the same species or plant community as the removed trees. When replacement trees of the same species are not available from Michigan nurseries, the applicant may substitute any species listed in section 5a.06 provided that shade trees are substituted with shade trees and evergreen trees with evergreen species. Ornamental trees need not necessarily be replaced with ornamental trees, but this shall be encouraged where feasible.

- ARTICLE 6A.00. SIGNS 6A.09. Exemptions from permit requirement.**  
**5. Reserved.**  
**13.**  
 Open House and Garage Sale Signs. Temporary signs used to advertise garage sales and the public showing of a single family residence, condominium unit, or apartment to potential purchasers. The following regulations shall apply to open house and garage sale signs:  
 a. Size and height - The signs shall not have a total surface area greater than six (6) square feet per face and shall not exceed a height of four (4) feet above grade.  
 b. Number - No more than five (5) open house or garage sale signs in total, including the directional signs, shall be permitted to be placed to provide directions to the residence advertised for sale or garage sale including: One (1) open house or garage sale sign shall be permitted at the residence advertised for sale; no more than one (1) open house or garage sale sign may be placed at each neighborhood entrance; and, up to four (4) directional signs may be permitted within the neighborhood. Open house and garage sale signs shall not be placed further away from the place of sale than the distance between the neighborhood entrance and the residence advertised for sale.  
 c. Duration - Open house signs shall be displayed only on the day on which the residence is held open to the public as an open house. Garage sale signs may not be displayed for more than three days. Community-wide garage sale signs may not be displayed for more than seven days.  
 d. Location - Open house and garage sale signs shall not be placed in any public road right-of-way; on private property without the consent of the property owner; be placed on private property which would result in creation of a traffic hazard by obstructing the vision of motorists, or obstruct the visibility of any traffic sign or traffic control device on any public street; use electricity, or be illuminated; nor be permanently anchored or secured to either the ground, a building, or a structure.

- 6A.18. Portable and temporary community non-profit event signs.**  
 A. *On-site portable signs:* Nonprofit religious organizations and other similar community non-profit organizations may utilize a portable sign for the purpose of advertising the time and place of worship services or other meetings or special events open to the public. Such sign may not exceed six square feet in area or four feet in total height. The sign shall not exceed two feet in horizontal width. The sign must be located so as not to disrupt or create a safety hazard for pedestrian or vehicular movement. A sign permit is required. However, such portable sign will be permitted only if the nonprofit organization is not permitted other permanent ground signs on the property. The portable sign utilized by the nonprofit organization may not be placed closer than three feet to any road right-of-way.  
 B. *Off-site community event signs:* Signs proposed to be placed off-site shall meet the same size and placement requirements as on-site portable signs portable signs as described in paragraph A above. The signs may only be placed in conjunction with an special event approved pursuant to section 2.07B. A sign permit shall be required and the sign plan shall indicate on a map all of the locations the community event organizer has owner approval to place the signs. The signs may be erected no earlier than 1 week prior to the event and shall be removed within 48 hours after the end of the event.

**ARTICLE 9.00. RA, RURAL AGRICULTURAL DISTRICT Permitted uses and structures.**

B. *Special land uses.*  
 Commercial stables and riding academies, subject to the provisions in section 6.02, subsection X. A zoning ordinance regulating the development and use of land has been adopted by the legislative body of the Township of Canton. In accordance with Public Act 110 of 2006 the zoning ordinance shall take effect November 4, 2009. The amended Zoning Ordinance may be purchased or inspected in Planning Services, Canton Township's Administration Building, 1150 Canton Center S., Canton, Michigan during business hours Monday through Friday, 8:30 a.m. to 5:00 p.m. **Item 7. FIRST READING OF THE AMENDMENTS TO CHAPTER 82 CONDOMINIUMS AND CHAPTER 110 SUBDIVISIONS AND OTHER DIVISIONS OF LAND.** (MSD) Motion by Bennett, supported by Taj to introduce, table and publish the first reading of the amendments to Chapter 82, Condominium Ordinance, sections 82-130 and 82-131 and Chapter 110 Subdivisions and Other Divisions of Land sections 110-1, 110-54, 110-148, 110-149, 110-212 and 110-213. Motion carried by all members present. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, AMENDMENTS TO CHAPTER 82: CONDOMINIUMS, AN ORDINANCE ESTABLISHING REGULATIONS GOVERNING THE DEVELOPMENT OF CONDOMINIUM PROJECTS; PROVIDING STANDARDS, PROCEDURES, AND ADMINISTRATIVE GUIDELINES AND RULES FOR THE PREPARATION AND FILING OF CONDOMINIUM SITE PLANS; PROVIDING FOR THE APPROVAL OR REJECTION OF THOSE PLANS; AND PROVIDING PENALTIES FOR THE VIOLATION OF THESE PROVISIONS. PURSUANT TO AUTHORITY GRANTED UNDER THE CONDOMINIUM ACT, (MICHIGAN PUBLIC ACT NO. 49 OF 1978), AS AMENDED. THE CHARTER TOWNSHIP OF CANTON HEREBY ORDAINS AS FOLLOWS: SECTION 1. SPECIFIC AMENDMENTS. THIS ORDINANCE SPECIFICALLY AMENDS SECTION 82-130 RELATIVE TO REQUIREMENTS FOR STREET TREES; AND, SECTION 82-131 RELATIVE TO REQUIREMENTS FOR BUFFER LANDSCAPING; Sec. 82-130. Street Trees.**

The selection and the variety, spacing and planting of all trees shall be done in accordance with standards and specifications adopted by the township board. All street trees must meet the definition of shade trees as specified in this chapter. Street trees for all residential lots shall be planted between curb and sidewalk in accordance with the following schedule:  
 Units/lots with street frontage of less than 80 feet must have a minimum of two trees  
 (1) Units/lots with street frontage of 80 feet to 100 feet must have a minimum of three trees per unit. Units/lots greater than (2) 100 feet in width must have one tree planted for every 40 feet of frontage or fraction thereof.  
 (3) On corner units/lots, one tree must be planted for every 40 feet of frontage or fraction thereof, along both the front and side street lines.  
 (4) One tree must be planted within each cul-de-sac or eyebrow island. Sod is required as ground cover for each cul-de-sac or eyebrow island.  
 (5) Minimum tree size must be at least 2.5 to 3 inches in diameter as measured +/- 6 inches above the ground.  
 (6) Trees must be replaced by the owner or proprietor if the community planner determines that they are not in a healthy condition after one full growing season.

- Sec. 82-131. Buffer landscaping.**  
 (a) Berms shall be planted as follows: A minimum of one shade tree and one evergreen tree shall be planted for each 40 lineal feet, or portion thereof, of road frontage. In addition, a minimum of one ornamental tree shall be planted for each 80 lineal feet, or portion thereof, of road frontage; plus a minimum of one shrub shall be planted for each ten feet, or portion thereof, of road frontage. For the purpose of computing length of road frontage, openings for driveways and sidewalks shall not be counted. The landscape plan prepared in accordance with the information requirements of this chapter shall show the trees and shrubs planted at uniform intervals, at random or in groups.  
 (b) Dense evergreens shall consist of trees a minimum of eight feet in height planted in two staggered rows, ten to 15 feet on center.  
 (c) Shade trees shall be a minimum of 2.5-3 inches in caliper measured 6 inches above the ground.  
 (d) Ornamental trees shall be a minimum of two inches in caliper measured six inches above grade with a minimum height of four feet above grade when planted.  
 (e) Except where otherwise noted, evergreen trees shall be a minimum of eight feet in height when planted. Evergreen trees shall have a minimum spread of five feet, and the size of the burlapped root ball shall be at least ten times the caliper measured six inches above the grade. For the purposes of this chapter, arborvitae and cedars shall not be considered evergreen trees.  
 (f) Shrubs shall be a minimum of two feet in height when planted, except that upright juniper, yew and arborvitae species must be a minimum of three feet in height when planted. Low-growing shrubs shall have a minimum spread of 24 inches when planted. Dwarf shrub species may be used in landscaping adjacent to roads to achieve a specific design goal and shall have the minimum 18-inch height or spread and shall be utilized at a rate of 1.5 times the base shrub requirement.  
 (g) All plant materials used for landscape buffering shall be guaranteed by the proprietor for a period of two years following installation. The community planter will determine if any such materials must be replaced and will direct the proprietor as to acceptable replacement materials.  
 (h) All berms and landscape buffer areas must be completely planted with sod to prevent erosion and to retain the required height and shape of the berms. An automatic irrigation system is required for all landscape buffer areas and berms.  
 (i) All berms and landscape buffer areas must be completed and all plant materials and required irrigation systems installed within 12 months of the issuance of the first building permit or model home permit. (Ord. No. 138, as amended s 4.1(F), 4-2-1998)

**SECTION 2. MUNICIPAL CIVIL INFRACTION.**  
**A.** Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction and shall, upon a finding of responsibility, be punishable by paying a fine of \$250.00. For each subsequent violation of this Ordinance, the responsible person or entity shall pay a fine of not less than \$500.00.  
**B.** The Township may also seek additional legal and/or equitable relief in the district court or by filing suit in the circuit court. The Township may recover its reasonable attorneys fees, court costs and other expenses related to enforcement activities or litigation against the person or entity found to have violated this Ordinance.

**SECTION 3. SEVERABILITY.**  
 If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

**SECTION 4. REPEAL.**  
 All Ordinance or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 5. SAVINGS CLAUSE.**  
 All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**SECTION 6. PUBLICATION.**  
 The clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

**SECTION 7. EFFECTIVE DATE.** This Ordinance shall take full force and effect upon publication as required by law. **STATE OF MICHIGAN, COUNTY OF WAYNE, CHARTER TOWNSHIP OF CANTON, AMENDMENTS TO CHAPTER 110: SUBDIVISIONS AND OTHER DIVISIONS OF LAND AN ORDINANCE OF THE CHARTER TOWNSHIP OF CANTON PROVIDING FOR REGULATIONS GOVERNING THE SUBDIVISION OF LAND; PROVIDING STANDARDS, PROCEDURES, AND ADMINISTRATIVE GUIDELINES AND RULES FOR THE PREPARATION AND FILING OF SUBDIVISION PLATS; PROVIDING FOR THE APPROVAL OR REJECTION OF THOSE PLATS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THESE PROVISIONS. THESE REGULATIONS ARE BEING ADOPTED IN ACCORDANCE AND UNDER THE AUTHORITY OF THE LAND DIVISION ACT (MICHIGAN PUBLIC ACT NO. 591 OF 1996), AS AMENDED, AND THE MICHIGAN ZONING ENABLING ACT (MICHIGAN PUBLIC ACT NO. 110 OF 2006, AS AMENDED. THE CHARTER TOWNSHIP OF CANTON HEREBY ORDAINS: SECTION 1. SPECIFIC AMENDMENTS. THIS ORDINANCE SPECIFICALLY AMENDS SECTION 110-1 WHICH ADDS AND AMENDS DEFINITIONS; SECTION 110- 54 RELATIVE TO PLANNING COMMISSION PUBLIC HEARING REQUIREMENTS AND REVIEW PROCEDURES; SECTION 110-148 RELATIVE TO REQUIREMENTS FOR STREET TREES; SECTION 110-149 RELATIVE TO REQUIREMENTS FOR BUFFER LANDSCAPING; SECTION 110-212 RELATIVE TO DIVISION OF UNPLATTED LAND; AND SECTION 110-213 RELATIVE TO NOTIFICATION OF TOWNSHIP ASSESSOR; AS FOLLOWS: Sec. 110-1.**

- Definitions.**  
*Accessible. In reference to a parcel means that the parcel has an existing driveway or an area or existing easement where a driveway may provide vehicular access to an existing road and meets all applicable location standards of the state transportation department or county road commission under Act 200 of the Public Acts of 1969, MCL 247.321 to 247.329.*  
*Exempt Split. Any partitioning or splitting of a parcel or tract of land that does not result in one or more parcels of less than 40 acres or a transfer of property between two or more adjacent parcels of land.*  
*Parcel.* means a continuous area or acreage of land which can be described as provided for in the Land Division Act.  
*Tract.* means two or more parcels that share a common property line and are under the same ownership.  
**Sec. 110-54. Review and approval procedures.**  
 (b) Planning Commission review.  
 (1) A public hearing shall be held at which the planning commission shall review the preliminary plat and determine if it complies with this chapter, the zoning ordinance, the Land Division Act, the master land use plan and the county subdivision rules and regulations. Not less than 15 days prior to the date of the hearing, a notice shall be sent to the proprietor and shall be published in a newspaper of general circulation in the municipality. Similar notice shall be mailed to landowners immediately adjacent to the proposed plat.  
 (2) The planning commission, upon completion of this review, and within sixty three (63) days of the date of filing of the proposed plat, by the proprietor, shall make one of the following recommendations:  
**Sec. 110-212.**  
 (a). The division of unplatted land within the Township shall be governed by the requirements of this section. If such division involves the dedication of a new street, the township board shall be the approving authority. Otherwise, the Township Supervisor shall be the approving authority.  
 (c). The division of unplatted land together with any previous divisions of the same parcel or tract shall

result in a number of parcels not more than the sum of the following.

1. For the first 10 acres or fraction thereof, 4 parcels
2. For each whole 10 acres in excess of the first 10 acres 1 additional parcel up to a maximum of 11 additional parcels.
3. For each whole 40 acres in excess of the first 120 acres, 1 additional parcel.
4. For a parcel of not less than 20 acres the division may result in a total of 2 additional parcels if one or both of the following apply:  
Because of the establishment of 1 or more new roads with no new driveway access to an existing public road for any of the resulting parcels,
  - a. One of the resulting parcels comprises not less than 60% of the area of the parent.
  5. A parcel of 40 acres or more created by the division of a parent parcel or tract shall not be counted toward the number of parcels permitted.
  6. A parcel or tract created by an exempt split is not a new parent parcel and may be further partitioned without being subject to platting requirements if:
    - a. Not less than 10 years have elapsed since the parcel or tract was recorded.
    - b. The partitioning or splitting results in not more than the following number of parcels, whichever is less:
      - c. Two parcels for the first 10 acres or fraction thereof in the parcel or tract plus one additional parcel for each whole 10 acres in excess of the first 10 acres in the parcel or tract.
      - d. Seven parcels or 10 parcels if one of the resulting parcels comprises not less than 60% of the area of the parcel or tract being split.
  7. A parcel created thus may not be further partitioned without being subject to platting requirement of this Ordinance.
    - d. The proposed division shall not leave any existing principal or accessory building in violation of yard setback requirements. All parcels resulting from such division shall be accessible as defined in section 110.1 of this Ordinance. Exceptions to these requirements are permitted under the provisions of the Private Road Regulations of the Zoning Ordinance.
    - (e) Notwithstanding township approval of the division, no building permit shall be issued for any parcel unless a survey of the parcel has been filed and recorded with the county register of deeds. Approval of a division is not a determination that the resulting parcels comply with other Ordinances or regulations or are buildable lots.
    - (f) The community planner, upon receipt of an application for a land division pursuant to sections 110-211 or this section, shall first determine that the requested division of land will not violate the Land Division Act. If the community planner shall determine that there is such a violation, he shall reject the application and return it to the applicant.
    - (g) The community planner shall solicit the review of the application from the township treasurer, engineering official and other township agencies to determine compliance herewith and with other Township Ordinances. Upon completion of the review, and provided that all taxes and special assessments on the original parcel have been paid, the community planner shall recommend approval or rejection of the application to the township board or the township supervisor, as the case may be.
    - (h) If the township board is the approving authority, it shall act on the application at its next regularly scheduled meeting after receipt of the township treasurer's recommendation. If the township supervisor is the approving authority, he shall so act within ten (10) days of receipt of the community planner's recommendation.

- Sec. 110-148. Street Trees.**  
The selection and the variety, spacing and planting of all trees shall be done in accordance with the standards and specifications adopted by the township board. All street trees must meet the definition of shade trees as specified in this chapter. Street trees for all residential lots shall be planted between curb and sidewalk in accordance with the following schedule:
- (1) Lots with street frontage of less than eighty feet must have a minimum of two trees.
  - (2) Lots with street frontage of 80 feet to 100 feet must have a minimum of three trees per unit. Lots greater than 100 feet in width must have one tree planted for every 40 feet of frontage or fraction thereof.
  - (3) On corner lots, one tree must be planted for every 40 feet of frontage or fraction thereof, along both the front and side street lines.
  - (4) One tree must be planted within each cul-de-sac or eyebrow island. Sod is required as ground cover for each cul-de-sac or eyebrow island.
  - (5) Minimum tree size must be at least 2.5-3 inches in diameter as measured 6 inches above the ground.
  - (6) Trees must be replaced by the owner or proprietor if the community planner determines that they are not in a healthy condition after one full growing season.

- Sec. 110-149. Buffer Landscaping.**
- (a) Berms shall be planted as follows: A minimum of one shade tree and one evergreen tree shall be planted for each 40 lineal feet, or portion thereof, of road frontage. In addition, a minimum of one ornamental tree shall be planted for each 80 lineal feet, or portion thereof, of road frontage; plus a minimum of one shrub shall be planted for each ten feet, or portion thereof, of road frontage. For the purpose of computing length of road frontage, openings for driveways and sidewalks shall not be counted. The landscape plan prepared in accordance with the information requirements of this chapter shall show the trees and shrubs planted at uniform intervals, at random or in groups.
  - (b) Dense evergreen screens shall consist of trees a minimum of eight feet in height planted in two staggered rows, ten to fifteen feet on center.
  - (c) Shade trees shall be a minimum of 2.5-3 inches in caliper measured 6 inches above the ground.
  - (d) Ornamental trees shall be a minimum of two inches in caliper measured six inches above grade with a minimum height of four feet above grade when planted.
  - (e) Except where otherwise noted, evergreen trees shall be a minimum of eight feet in height when planted. Evergreen trees shall have a minimum spread of five feet, and the size of the burlapped root ball shall be at least ten times the caliper measured six inches above the grade. For the purposes of this chapter, arborvitae and cedars shall not be considered evergreen trees.
  - (f) Shrubs shall be a minimum of two feet in height when planted, except that upright juniper, yew and arborvitae species must be a minimum of three feet in height when planted. Low growing shrubs shall have a minimum spread of 24 inches when planted. Dwarf shrub species may be used in landscaping adjacent to roads to achieve a specific design goal and shall have a minimum 18-inch height or spread and shall be utilized at a rate of 1.5 times the base shrub requirement.
  - (g) All plant materials used for landscape buffering shall be guaranteed by the owner or proprietor for a period of two years following installation. The community planter will determine if any such materials must be replaced and will direct the owner or proprietor as to acceptable replacement materials.
  - (h) All berms and landscape buffer areas must be completely planted with sod to prevent erosion and to retain the required height and shape of the berms. An automatic irrigation system is required for all landscape buffer areas and berms.
  - (i) All berms and landscape buffer areas must be completed and all plant materials and required irrigatin systems installed within 12 months of the issuance of the first building permit or model home permit.

**Lawn, landscape and stormwater detention and management areas shall comply with Article 5.02 of Appendix A – Zoning of the Canton Township Code.**

- Sec. 110-213. Notification of Township Assessor.**
- (a) Upon approval by the Township of a Land Division pursuant to Section 6.1 or 6.2 hereof, the Planning Official shall notify the Township Assessor and such division shall be noted upon the township assessment roll and thereafter the divided portions of the lot, outlot or parcel shall be considered to be separate for tax assessments and all other purposes. If portions of the lot have been added to another lot, outlot or parcel, the enlarged area shall be considered to be a single lot for tax assessment and all other purposes.
  - (b) The right to make divisions exempt from platting can be transferred from a parent parcel or tract to a parcel or tract created from that parent. The proprietor shall give written notice of transfer to the Township on a form prescribed by the state tax commission under section 27a of the general property tax act, 1893 PA 206 MCL 211.27a. A person shall not sell an unplatted parcel of land unless the deed contains a statement as to whether such division rights are proposed to be conveyed.

- SECTION 2. MUNICIPAL CIVIL INFRACTION.**
- A. Unless otherwise provided, any person, corporation, partnership or any other legal entity who violates the provisions of this Ordinance shall be guilty of a municipal civil infraction and shall, upon a finding of responsibility, be punishable by paying a fine of \$250.00. For each subsequent violation of this Ordinance, the responsible person or entity shall pay a fine of not less than \$500.00.
- B. The Township may also seek additional legal and/or equitable relief in the district court or by filing suit in the circuit court. The Township may recover its reasonable attorneys fees, court costs and other expenses related to enforcement activities or litigation against the person or entity found to have violated this Ordinance.

**SECTION 3. SEVERABILITY.**  
If any clause, sentence, section, paragraph or part of this Ordinance, or the application thereof to any person, firm, corporation legal entity or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, said judgment shall not affect, impair or invalidate the remainder of this Ordinance. It is hereby declared to the legislative intent of this body that the Ordinance is severable, and that the Ordinance would have been adopted had such invalid or unconstitutional provision not have been included in this Ordinance.

**SECTION 4. REPEAL.**  
All Ordinance or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

**SECTION 5. SAVINGS CLAUSE.**  
All rights and duties which have matured, penalties which have been incurred, proceedings which have begun and prosecution for violations of law occurring before the effective date of this Ordinance are not affected or abated by this Ordinance.

**SECTION 6. PUBLICATION.**  
The clerk for the Charter Township of Canton shall cause this Ordinance to be published in the manner required by law.

**SECTION 7. EFFECTIVE DATE.**  
This Ordinance shall take full force and effect upon publication as required by law.

**OTHER:** Supervisor LaJoy stated there will be a Board meeting on October 27, 2009 at 7:00 p.m. in the Administration Building, First Floor, Board Room, 1150 Canton Center S., Canton, Michigan. **ADJOURN:** Motion by Williams, supported by Taj to adjourn at 7:34 p.m. Motion carried by all members present. – Philip LaJoy, Supervisor – Terry G. Bennett, Clerk –

Copies of the complete text of the Board Minutes are available at the office of the Charter Township of Canton, 1150 S. Canton Center Rd. Canton, MI 48188, during regular business hours and can also be accessed through our web site [www.canton-mi.org](http://www.canton-mi.org) after Board Approval. Publish: October 29, 2009

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