

# **FOR PUBLIC INSPECTION**

## **PROPOSED REVISIONS TO ZONING ORDINANCES**

**ARTICLE 2**

**ARTICLE 3.13 & 3.14**

**ARTICLE 10**

**ARTICLE 14.8**

**ARTICLE 15.2**

**ARTICLE 21**

## **PUBLIC HEARING**

**JUNE 27, 2018 at 7:00 PM**

# ARTICLE 2 REVISIONS

which abnormal amounts of manure or other related animal wastes may originate by reason of keeping such animals.

**Convenience Retail Establishments:** A retail establishment offering for sale prepackaged food products, milk, bread, donuts, sandwiches, beverages, newspapers and magazines, household items, pharmaceuticals, and other items for off-premises consumption. These are usually short trip, high volume uses not more than 3,500 square feet in size. A convenience retail establishment can share a building with another use, such as an automobile service station. Drive-through establishments are not convenience retail establishments.

**County Board:** The Benzie County Board of Commissioners.

**County Drain Commissioner:** An elected official of Benzie County.

**County Health Department:** The District Health Department serving the County of Benzie.

**County Plat Board:** The Benzie County Plat Board.

**County Road Commission:** The Benzie County Road Commission.

**County Zoning Act:** Any reference in this ordinance to the County Zoning Act shall mean the Michigan Zoning Enabling Act, 2006 PA 110, as amended [MCL 125.3101 et seq] (MZEA).

**Cottage Industry:** A use that includes any activity carried out for financial gain by a resident on the property on which the resident lives including manufacturing, services, sales of goods, and services made or provided on the premises. The use is intended to allow residents to conduct economic activity on their property at a limited scale that is greater than a home occupation but less than a full-scale commercial or industrial enterprise. See Article 15.

**Crosswalkway (Pedestrian Walkway):** Right-of-way, dedicated to public use, which crosses a block to facilitate pedestrian access to adjacent streets and properties.

**Crystal Lake Township Zoning Commission:** Any reference in this ordinance to the Crystal Lake Township Zoning Commission shall mean the Zoning Commission appointed by the Crystal Lake Township Board of Trustees pursuant to section 301 of the Michigan Zoning Enabling Act [MCL 125.3301](MZEA). Any reference to the "Crystal Lake Township Zoning Commission" or "Zoning Commission" shall mean the "Crystal Lake Township Planning Commission" or "Planning Commission" at such time as a Planning Commission is established pursuant to the Michigan Planning Enabling Act, 2008 PA 33 [MCL 125.3801 et seq] (MPEA) and the Township Board of Trustees has transferred the powers and duties of the Zoning Commission to the Planning Commission pursuant to the MPEA.

**General Retail Establishments:** The principal activity of general retail establishments is the purchase and resale, leasing or renting of goods or merchandise to the public for personal, household, or business use or consumption and rendering services incidental to the sale of such goods. There may be processing or manufacturing of products incidental or subordinate to the selling activities (such as a bakery or delicatessen at a grocery store). A common accessory use is repair of products sold on the premises.

**Governing Body:** The Crystal Lake Township Board of Trustees.

**Grade, Finished:** The completed surfaces of lawns, walks and roads brought to grades as shown on official plans or designs related thereto.

**Grade, Average:** The arithmetic average of the lowest and highest grade elevations in an area within five (5) feet of the foundation line of a building or structure (see Figure 2-6).

**Gross Decommissioning Costs:** The cost of removal of all towers and turbines, removal of all related infrastructure, removal of all accessory building and access road, and restoration and revegetation of lands changed as a result of WECS construction and operation. These costs will exclude any salvage or re-use revenues associated with the decommissioning process.

**Group Housing:** Group housing is characterized by the residential occupancy of a structure by a group of people who do not meet the definition of a "family" but often share a common situation. The size of the group may be larger than the average size of a household. Tenancy is usually arranged on a monthly or longer basis. It is a form of transient lodging. There is usually a common eating area for residents.

**Health Department:** See County Health Department.

**High Water Mark:** See Water Mark, High.

**Highway:** Any public thoroughfare in Crystal Lake Township including Federal, State, and County highways. (See Road)

**Hobby:** An activity carried out by a resident on their property on which they reside primarily for pleasure and/or self-entertainment

**Home Occupation:** An ~~accessory use~~ economic activity carried out for financial or monetary gain ~~of involving a professional~~, a professional service, a service or of a business character conducted for financial gain within a residential area by the family residents thereof, which is clearly secondary and incidental to the use of the structure for living purposes and does not change the character thereof. See Article 15.

**Home Based Business:** See Home Occupation.

# ARTICLE 3 REVISIONS

1. Flagpoles, television, amateur radio towers and similar devices, heating, air conditioning and similar equipment, fixtures and devices.

C. The features listed in Subsection (B) are exempt from the height limitations provided, not more than ten percent (10%) of a total roof area if so located may be consumed by such features.

### **Section 3.13 MINIMUM REQUIREMENTS FOR DWELLINGS**

A. It is the intent of this Section to provide a wide variety of single family housing options in Crystal Lake Township, including the need for lower cost single family housing while protecting the public health and safety. It is recognized that the modern mobile home and manufactured home compares favorably with existing site constructed dwellings, provided that such mobile homes and manufactured homes are similar in appearance, design, and construction with existing single family dwellings in the vicinity. It is the purpose of this Section to provide standards for the construction, installation, and appearance of all single family homes in order to insure compatibility with existing dwellings located in the surrounding area.

B. The following minimum requirements apply to all dwelling units outside of mobile home parks except as provided in subsection C of this Section.

1. All construction required in this Section shall be commenced only after a building permit has been obtained in accordance with the applicable Michigan Building Code provisions and Ordinance requirements. Mobile homes which do not conform to the standards of this Section shall not be used for dwelling purposes within the Township unless located within a mobile home park or unless used for temporary residence purposes as provided in Section 3.14.
- ~~1.2.~~ All dwelling units located outside of mobile home parks shall comply with this Section and the State Construction Code Act, Public Act 230 of 1972, with amendments.
- ~~2.3.~~ All dwelling units located outside of mobile home parks shall comply with the following requirements:
  - a. The wheels, pulling mechanism, and tongue of any mobile home shall be removed prior to placement on a foundation.
  - b. All dwellings shall be connected to a sewer system and water supply system approved by the Benzie-Leelanau District Health Department.
  - c. All dwellings shall provide steps or porch areas, permanently attached to the foundation, where there exists an elevation differential of more than one (1') foot between any door and the surrounding grade. All dwellings shall provide a minimum of two points of ingress and egress.
  - d. The dwelling shall not contain additions or rooms or other areas which are not constructed with similar or better quality work as the original structure, including permanent attachment to the principal structure and construction of a foundation as required herein. All additions to dwellings shall meet all of the requirements of this Ordinance and any applicable Codes.

- e. All dwellings shall be aesthetically compatible in design and appearance with other residences in the vicinity including: a 1:4 roof pitch, with either a roof overhang of not less than six inches on all sides, or alternatively with window sills or roof drainage systems concentrating roof drainage at collection points along sides of the dwelling; not less than two exterior doors with the first one facing the front yard and the second one being in either the rear or side of the dwelling; and, contains permanently attached steps connected to said exterior door areas or to porches connected to said door areas where a difference in elevation requires the same.
- f. The compatibility of design and appearance shall be determined in the first instance by the Zoning Administrator upon review of the plans submitted for a particular dwelling. An appeal by an aggrieved party may be taken to the Board of Appeals within a period of fifteen (15) days from the receipt of notice of said Zoning Administrator's decision. Any determination of compatibility shall be based upon the standards set forth in this Section as well as the character, design, and appearance of single family dwellings located outside of mobile home parks within two thousand (2,000) feet of the subject dwelling where such area is developed with dwellings to the extent of not less than 20% of the lots situated within said area or, where said area is not so developed by the character, design, and appearance of one or more single family dwellings located outside of mobile home parks within four (4) square mile area. The foregoing shall not be construed to prohibit innovative design concepts involving such matters as solar energy, view, unique land contour, or relief from the common or standard designed home.
- g. Prior to issuance of a zoning permit for any dwelling unit, construction plans, including a plot plan, adequate to illustrate compliance with the requirements of this Ordinance shall be submitted to the Zoning Administrator. If the dwelling unit is a mobile home, there shall also be submitted adequate evidence to assure that the dwelling complies with all the standards applicable to mobile homes set forth in Section 3.13 (B).
- h. All mobile homes shall meet the standards for mobile home construction contained in the United States Department of Housing and Urban Development of Housing and Urban Development Regulations entitled "Mobile Home Construction and Safety Standards" effective June 15, 1976, as amended. All other dwellings shall meet the requirements of the construction code adopted by the Township. All dwellings shall meet or exceed all applicable roof snow load and strength requirements.
- i. A minimum of one hundred (100) square feet of enclosed storage space, excluding closets, shall be provided for each dwelling. Said enclosed storage space may consist of a basement, garage, shed or other structure, approved by the Zoning Administrator.
- j. For legal nonconforming mobile homes that are located outside mobile home parks, mobile home plats, or of places where Temporary Permits for

placement of a mobile home have been issued; once that mobile home is removed it must be replaced with a mobile home in good condition that is also certified by the American National Standards Institute or the HUD Mobile Home Construction and Safety Standards or by a site constructed home or manufactured home that meets all applicable code requirements.

C. A single family dwelling in the R-1, R-2, and R-3 districts, including a mobile home except in a mobile home park, shall have a minimum width of twenty (20) feet over fifty (50) per cent of the entire structure length.

D. The minimum gross living area of a dwelling, and the minimum size for the footprint of the living portion of a dwelling shall be seven hundred-twenty (720) square feet.

### **Section 3.14 TEMPORARY BUILDINGS, STRUCTURES AND USES**

~~Temporary buildings, structures, and uses are permitted in all districts only under the following conditions:~~

~~Habitation of Accessory Structures, Tents and Travel Trailers as Temporary Dwellings: Except for tents and recreational vehicles in bona fide campgrounds, no structure shall be used for dwelling purposes for more than fifteen (15) days in succession nor more than sixty (60) days in one (1) year, that does not meet the minimum standards for a dwelling unit as defined in this Ordinance and the State Construction Code Act, Public Act 230 of 1972, with amendments. This means that no garage or other accessory building, cellar, basement, cabin, or partial structure, whether of a fixed or portable construction, nor any tent, travel trailer, recreational vehicle, trailer coach, mobile home, or other structure not in compliance with P.A. 230 of 1972, or the previous sentence, shall be erected or moved onto a lot and used for any temporary dwelling purpose unless authorized by the Zoning Administrator by the issuance of a Temporary Zoning Permit as provided for in Section 14.9, or by means of a Special Land Use Permit pursuant to Section 16 or unless constructed as a year around dwelling per the applicable requirements of this Ordinance.~~

~~For the express purpose of promoting the health, safety and general welfare of the inhabitants of the Townships, and of reducing hazards to health, life and property; no garage, garage-house or other accessory building, basement-dwelling, cellar-dwelling, cellar, basement, cabin, or partial structure, whether of a fixed or portable construction not in compliance with this Ordinance and the State Construction Code Act (Public Act 230 of 1972, as amended); nor any recreational unit/vehicle, tent, travel trailer, trailer coach, mobile home, tiny home or other portable structure ~~not in compliance with this Ordinance or the State Construction Code Act (Public Act 230 of 1972, as amended)~~ not in compliance with this Ordinance shall be erected or moved onto any premises and used as a dwelling unit except under the following applicable conditions:~~

~~A. Temporary Buildings, Structures and Accessory Structures: Such buildings, structures and accessory structures will be permitted to remain on a parcel only as long as specified in the Temporary Zoning Permit (see Article 14.8) or as long as the principal temporary structure is allowed.~~

~~B. Habitation of Recreational Units/Vehicles as Temporary Dwellings: No Recreational Unit/Vehicle (including tents, campers, travel trailers, tiny homes, ~~e.g.~~ or other portable~~



structures) will be permitted to be used as a dwelling unit for any period of time except as set forth in the following paragraphs:

- 1) In Campgrounds: Recreational Units/Vehicles parked in licensed campgrounds meeting the requirements of Part 125 of Public Act 368 of 1978, as amended, may be used as temporary dwellings.
- 2) In R-1, R-2,R-3 Zoning Districts:
  - a) Recreational Units/Vehicles are not permitted to be parked and/or used as temporary dwellings for more than two (2) weeks (that is ~~fourteen~~<sup>seven (7)</sup> calendar days in any summer season.
  - b) No more than one Recreational Unit/Vehicle is permitted on a parcel
- 3) In R-4 Zoning Districts: Recreational Units/Vehicles are not permitted to be used as temporary dwellings.
- 4) In RP Zoning Districts:
  - a) Recreational Units/Vehicles shall not be moved onto a parcel or lot and used for any temporary dwelling purpose unless authorized by the Zoning Administrator by issuance of a Temporary Zoning Permit as provided for in Article 14.8 of this Ordinance.
  - b) Recreational Units/Vehicles allowed by Temporary Zoning Permit shall not be used as dwelling unit for more than eight (8) consecutive weeks in any summer season.
  - ~~c~~) Recreational Units/Vehicles allowed by Temporary Zoning Permit must be owned by the Owner of parcel or lot. Recreational Units/Vehicles allowed by Temporary Zoning Permit cannot be rented to non-property owners.
  - ~~d~~) The Zoning Administrator, upon request of the parcel or lot Owner, may issue a Temporary Zoning Permit for one (1) additional non-owner occupied Recreational Unit/Vehicle for up to, but no more than, ten (10) consecutive days per unit per summer season.
  - ~~e~~) The occupants of Recreational Units/Vehicles shall have access to appropriate water supply, sanitary and waste disposal facilities approved by the Health Department having jurisdiction.
  - f) Recreational Units/Vehicles allowed by Temporary Zoning Permit shall be removed from the parcel or lot by the date specified on the temporary permit.

C. Temporary Campgrounds: Upon application by the Owner of a parcel or lot, the Zoning Administrator may issue a Temporary Zoning Permit as provided for in Article 14.8 of this Ordinance for a "Temporary Campground" associated with ~~a~~ short-term camping events such as festivals, fairs, races, musical events, religious gatherings and holidays.

- 1) Temporary campgrounds are allowable only in the R-2 and RP Zoning Districts on parcels of land exceeding 2.5 acres in area with sufficient area naturally clear of trees, bushes, etc.

- ~~2) Temporary campgrounds are commonly issued in conjunction with other events such as festivals, fairs, races, and holidays.~~
- 23) Public Health Code, 1978 PA 368, as amended, requires a campground license when five or more recreational units (i.e. tents, campers, RVs) are placed on a parcel or tract of land and are used for temporary living quarters.
- 34) A temporary campground license issued by the Local Health Department (LHD) having jurisdiction is required prior to the Zoning Administrator issuing a Temporary Zoning Permit allowing operation of a temporary campground.
- 45) A letter from the Fire Chief having jurisdiction confirming the inspection and approval of the site for emergency equipment access and fire safety is required prior to the Zoning Administrator issuing a Temporary Zoning Permit allowing operation of a temporary campground.-
- 5) The area used as a temporary campground must be cleared of tents, campers, recreational vehicles, etc. and cleaned of all trash, waste and debris to the satisfaction of the property Owner and the Zoning Administrator by the date specified on the temporary permit.
- 6) A performance guarantee as provided for elsewhere in the Ordinances shall be provided by the property's Owner for the operation, removal, clean-up and restoration of the temporary campground. Any additional expenses incurred by the Township shall be charged to the property's Owner.

A.D. Temporary Housing: The Zoning Administrator may issue a temporary Zoning Permit for a mobile home or other temporary dwelling unit used for temporary dwelling purposes, subject to the following limitations and procedures:

- 1) The purpose of the temporary housing is either to provide on-site housing for residents of the lot while a new dwelling unit is being constructed or while rebuilding due to fire, collapse, explosion, act of God or acts of a public enemy;
- 2) The permit is for a period not longer than one (1) year based on evidence presented by the applicant that he/she can have the foundation and complete building framing in place within six (6) months and the entire residence completed within one (1) year. This period may be extended up to one (1) additional year by the Zoning Administrator when the following standards are met:
  - a) A good faith effort has been shown to build a new or rebuild a destroyed dwelling unit;
  - b) The time extension is reasonably necessary considering the practical difficulties associated with actual construction;
  - c) Occupancy of the structure being rebuilt is reasonably possible within the time extension;
  - d) Granting of the time extension to the applicant and other similarly situated parties will not prohibit enforcement of any provisions of this Ordinance, unduly overburden administration and enforcement resources, or adversely affect general health, welfare and safety of adjacent properties or the general community.
- 3) The lot or parcel is located in any residential district;

- 4) A performance guarantee as provided for in this ordinance is collected and said temporary dwelling is removed within fifteen (15) days after construction is complete.
- 5) The following additional approvals are obtained:
  - a) Any applicable permits from the Building Inspector
  - b) Approval of a septic system and well from the Benzie-Leelanau District Health Department
  - c) A driveway permit from the County Road Commission or Michigan Department of Transportation, as applicable.
- 6) Any mobile home permitted by temporary permit for purposes other than a) or b) above prior to the effective date of this amendment, may be issued a temporary permit by the Zoning Administrator for continuation of use of an existing mobile home by the present occupant, but no other, provided the dwelling remains in good structural condition, the septic system and well remain approvable by the Benzie-Leelanau District Health Department and a performance guarantee as provided for in this ordinance is collected to insure the temporary mobile home is removed within thirty (30) days of its no longer being used by the present occupant.

**C.D. Temporary Contractor's Buildings:** Temporary structures and temporary uses incidental to construction work, such as contractor storage buildings, semis or mobile homes used for contractor equipment, foreman offices and related activities, but not for habitation are not required to observe setbacks, and no temporary Zoning Permit is needed, provided:

- 1) Such buildings, structures or uses impede no clear vision area (see Section 3.20); and
- 2) are removed upon the completion or abandonment of the construction work or within the period of one (1) year, whichever period of time is the shortest.

**D.E. Temporary Real Estate Offices:** Are permitted within approved development projects. No cooking or sleeping accommodations shall be maintained. The temporary Zoning Permit shall be valid for not more than one (1) year, but is renewable. The office shall be removed upon completion of the development of the subdivision. A model home may be used as a temporary sales office.

**E.F. Churches & Schools:** Temporary buildings incidental to a church or school, provided that all wiring, plumbing, fire protection and exits are approved by the Fire Chief and Building Inspector, and by relevant state agencies and all yard requirements of this Ordinance are met.

**F.G. Christmas Tree Sales:** The display and sale of Christmas trees on a farm in the RP Districts or at a business in the Commercial Districts, or at a church in any District, is permitted without a temporary Zoning Permit, provided it is incidental and accessory to the principal use or a temporary use of a vacant lot. The display and sale of Christmas trees is permitted for a period not to exceed forty-five (45) days. All unsold trees must be removed from the property by December 31 of each calendar year. Any Christmas tree sales in a location or under circumstances other than those defined above ~~is~~are -permitted only by a Temporary Zoning Permit issued at the discretion of the Zoning Administrator.

**G.H. Auctions:** The public sale of property to the highest bidder shall be permitted for not more than five (5) days and no sales activity shall occur within thirty (30) feet of any street or road right-of-way. Off-street parking areas shall be provided and parking is prohibited within the right-of-way of a major thoroughfare.

**H.I. Garage Sales:** Garage sales, rummage sales, yard sales, moving sales, and similar activities shall be considered temporary accessory uses within any residential zoning district subject to the following conditions:

- 1) Any garage sale, rummage sale or similar activity shall be allowed without a temporary Zoning Permit for a period not to exceed three (3) days within a six (6) month period.
- 2) All such sales shall be conducted a minimum of thirty (30) feet from the front lot line and fifteen (15) feet from a side lot line.
- 3) No signs advertising a garage sale or similar activity shall be placed upon a public right of way or other public property. All signs advertising a garage sale shall be placed upon private property with the consent of an owner of said property and shall be removed within twenty-four (24) hours of the conclusion of said garage sale or similar activity.
- 4) Signs shall also conform with the requirements of Section 19.4.A.6.

**J.J. Sawmills (portable):** Establishment of a temporary sawmill for cutting of trees from a single parcel or lot is permitted by Temporary Zoning Permit. The sawmill shall not be located closer than five hundred (500) feet to a dwelling unit other than that of the owner of the property on which the temporary sawmill is established. The Temporary Permit shall be valid for six (6) months, but may be renewed.

**J.K. Firewood Sales:** Firewood sales shall be limited to firewood cut from that parcel or lot only. Cutting and splitting by machines shall conform with the location requirements for temporary sawmills above. Storage of firewood for sale and use by persons off the premises shall be restricted to the side and rear yards.

**K.L. Roadside Stands:** Roadside stands selling products grown on the premises are permitted in the RP Districts provided the following standards are complied with:

- 1) Space for the parking of the customers' vehicles shall be furnished off the road right-of-way in the ratio of one (1) parking space for each fifteen (15) square feet of roadside stand floor area with a minimum of three (3) off-street parking spaces.
- 2) The roadside stand shall be located at least twenty-five (25) feet from the edge of the road.
- 3) Any roadside stand structure shall be seasonally erected and removed once the growing season is complete or November 1<sup>st</sup>, whichever comes first.

**L.M. Transient and Amusement Enterprises:**

- 1) Circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people, may be permitted as a conditional use in specified zoning districts if approved by the Planning Commission and upon the finding by the Planning Commission that the location of such activity will not

adversely affect adjoining properties or adversely affect public health, safety, morals, or general welfare.

- 2) The owners/operators/hosts of the circuses, carnivals, other transient amusement enterprises, music festivals, and similar temporary gatherings of people must present evidence of approval of the Health and Fire Departments having jurisdiction prior to making any request to the Planning Commission. The requirements of Section 22.7 and 22.10 must be met.
- 4)3) The Planning Commission may require posting of a bond or other acceptable security payable to Crystal Lake Township in an amount sufficient to hold the Township free of all liabilities incidental to the operation of such activity and indemnify any adjoining land owners for any damage resulting from operation of such activity. Such damages shall be provable before the court having jurisdiction over the premises upon which the damages occurred and shall be payable through such court.

# ARTICLE 10 REVISIONS

ARTICLE X  
RURAL PRESERVATION DISTRICTS (RP 2.5, 5, 10, 20)  
*(revised and adopted 12-2014)*

The Rural Preservation (RP) Districts are intended to recognize the unique rural character of Crystal Lake Township and to preserve, enhance and stabilize existing areas which are presently being used predominately for farming, forestry and other open space uses; and are recognized as important to established large acreage holdings, which are deemed desirable and appropriate by current owners. It is further recognized that there are lands within the district which are not suited to agriculture, forestry or other open space uses, therefore other limited uses are allowed as more intense development under PUD provisions.

**Section 10.1 Permitted Principal Uses**

- A. Single Family Dwelling
- B. Local Government
- C. Agricultural, Forestry
- D. Mobile Home (subject to [SecArt. 15.5](#))
- E. Livestock and Pets (subject to [SecArt. 15.6](#))

**Section 10.2 Permitted Accessory Usage**

- A. Private Garage
- B. Green House (subject to [SecArt. 3.10](#) and [3.11](#))
- C. Shed (subject to [SecArt 3.10](#) and [3.11](#))
- D. Non-Commercial Solar Collector (subject to [SecArt.10](#) and [3.11](#))
- E. Home Occupation (subject to [SecArt.15.2](#))
- F. Swimming Pool (subject to [SecArt. 15.3](#))
- G. Non-Commercial Storage (subject to [SecArt 15.7](#))
- H. Antennas & Satellite Dish (subject to [SecArt. 15.8](#))

**Section 10.3 Permitted Special Land Uses**

- A. Institutional Use (subject to [SecArt. 16.12](#))
  - 1. Religious Institution
  - 2. Educational and Social Institution
  - 3. Human Care Institution
  - 4. Animal Care Institution
- B. Cottage Industry ([See Art 15.2](#))
- ~~B.C.~~ Bed and Breakfast (subject to [SecArt 16.3](#))
- ~~C.D.~~ Boarding House
- ~~D.E.~~ Dwelling, Rental Cottage
- ~~E.F.~~ Golf Course (subject to [SecArt.16.9](#))
- ~~F.G.~~ PRD (subject to [SecArt. 16.19](#))
- ~~G.H.~~ WECS (subject to [SecArt. 16.26](#))

- H.I. Campground (subject to [SeeArt](#) 16.24)
- I.J. Boarding House (subject to [SeeArt](#). 16.4)
- J.K. Marina (subject to 16.15)
- K.L. Mobile Home Park and Subdivision (subject to [SeeArt](#).16.18)
- L.M. Sand or Gravel Pit, Quarry (RP-5, 10 & 20 only) (subject to [SeeArt](#).16.21)
- M.N. Gun and Skeet Club, Shooting Range (RP-5, 10 & 20 only) (subject to [SeeArt](#).16.27)
- N.O. Airport (subject to [SeeArt](#).16.23)
- O.P. Compatible Non-Commercial Recreational Facility
- P.Q. Model Home (subject to [SeeArt](#). 15.4)
- Q.R. Botanical & Zoological Gardens (RP-20 only)

#### **Section 10.4 Lot and Building Requirements**

All buildings and structures in this District shall be located on a building lot or parcel of land with a minimum width of one hundred fifty (150) feet in width for the RP-2.5 District; three hundred (300) feet in the width for the RP-5 and RP 10 Districts; and six hundred sixty (660) feet in width for the RP-20 District. The RP-2.5 District shall have a minimum area of two and one-half (2.5) acres; the RP-5 District a minimum areas of five (5) acres; the RP-10 District a minimum area of ten (10) acres; and the RP-20 District a minimum area of twenty (20) acres. However, this shall not prevent the use of a building lot or parcel of land of lesser size that was a lot of record prior to the adoption of this Ordinance. (See [SeeArt](#). 3.2)

Any dwelling or other structure or part thereof shall have a minimum front yard setback of forty (40) feet from the front property line, or seventy-three (73) feet from the centerline of the traveled surface of the roadway except for State and Federal highways, in which case the minimum setback shall be fifty (50) feet from the highway right-of-way, whether it be for a front, side or rear yard.

Minimum rear yard setback shall be fifty (50) feet from the rear property line or the high water mark when the property abuts a lake or stream; minimum side yard setback shall be twenty-five (25) feet from the side property lines.

Maximum structure height (except farm buildings) is twenty-eight (28) feet.



# ARTICLE 14 REVISIONS

## Sec. 14.8 Temporary Zoning Permits

The Zoning Administrator is authorized to issue a ~~Land Use~~ Temporary Zoning Permit for the following temporary uses upon a finding that a temporary use meets the criteria set forth below.

- A. Carnival, circus, ~~or~~ fair or other transient amusement enterprise for a period not to exceed fourteen (14) days per Article 3.14.
- B. Open lot-sale of Christmas trees, for a period not to exceed thirty (30) days.
- C. Real estate sales offices in Model Homes for a maximum period of one (1) year. (See ~~Section~~ Articles 3.14 and 15.4)
- D. Contractor's office and contractor's equipment sheds, in any district, for a period of one (1) year, provided that such structures be placed on the property to which it is appurtenant.
- E. Temporary dwelling units, for a maximum period of two (2) years, only for the purpose of constructing a building which conforms to the requirement of this Ordinance provided that the foundation and complete framing of the conforming building is completed within one year and the entire conforming building is completed within (2) years.
- F. Seasonal use of recreational units ~~vehicles~~, including tents, campers, travel trailers, recreational vehicles, tiny homes, or other portable structures in accordance with Article 3.14.
- G. Temporary buildings for ~~C~~ churches or schools provided the requirements of the State Construction Code Act (Public Act 230 of 1972, as amended) are met.
- ~~E~~.H. Auctions, garage sales, firewood sales and roadside stands per Article 3.14

Temporary Zoning Permits for temporary buildings, structures and uses shall conform with the following requirements:

14.8.1 Application: Temporary Zoning Permits for those uses specifically authorized may be approved, modified, conditioned, or denied by the Zoning Administrator based on the standards established in Section ~~14.9.33.14~~ and 14.8.3 and subject to such conditions as are reasonably necessary to minimize adverse impacts on abutting property, and protect the public health, safety and general welfare. The Zoning Administrator may refer the application for a Temporary Zoning Permit to the Zoning Commission for a decision. The Zoning Commission shall apply the procedures and standards in this Section, the same as the Zoning Administrator.

14.8.2 Permits: A written temporary Zoning Permit shall be issued for all temporary buildings, structures and uses that comply with this Ordinance and shall contain the following information:

- A. The applicant's name.
- B. The location and ~~effective dates~~ **the start and end dates for use** of the temporary building, structure or use.

~~B-C.~~ **Conditions specified by which the permit was issued, such as:**

- 1. Use and placement of signs.
- 2. Provision for security and safety measures.
- 3. Control of nuisance factors.
- 4. Elements of a performance guarantee.
- 5. Signature of the Zoning Administrator on the permit.

~~C-D.~~ **For temporary permits for recreational units and/or vehicles the following information must be provided with the permit application:**

1. A site plan showing the location of the recreational units. Setbacks for the applicable zoning district must be maintained.

~~4-2.~~ **Explain ~~H~~how potable water will be supplied;** ~~Conditions specified by which the permit was issued, such as:~~

~~2-3.~~ **Explain ~~H~~how collection and disposal of sanitary waste will be accomplished** ~~Use and placement of signs.~~

~~3-4.~~ **Explain ~~H~~how collection and disposal of solid waste will be accomplished** ~~Provision for security and safety measures.~~

~~4-5.~~ **All outdoor fires (including camp fires, cooking fires, etc.) must be in approved fire pits or fire rings. Explain how fire safety for outdoor fires will be maintained. Burning permits must be obtained and no burn or red flag warnings must be observed.** ~~Control of nuisance factors.~~

~~5-6.~~ **Explain planned use of electrical power generators and refueling of same.** ~~Elements of a performance guarantee.~~

~~6-7.~~ **Explain how noise will be controlled.** ~~Signature of the Zoning Administrator on the permit.~~

14.8.3 Conditions of Approval: A permit for a proposed temporary use shall be issued by the Zoning Administrator only if each of the following criteria is met:

- A. The proposed use is clearly of a temporary nature.
- B. The temporary use shall not endanger the public health, safety or welfare of the Township, or adjacent residents.
- C. Structures of temporary uses shall be provided, if required, with safe, sanitary and effective systems for water supply and disposal of wastes, approved by the Health Department.

- D. The proposed temporary use shall meet all lot, yard setback and other requirements of this Ordinance,
- E. The proposed temporary use is not a ~~major~~ Special Land Use of the respective zoning district.
- F. The nature and intensity of the temporary use and the size and placement of any temporary building or structure shall be planned so that the temporary use, building or structure will be compatible with existing development on abutting property.
- G. Except for a garage sale, the temporary use shall not be located within an accessory building or structure.
- H. The parcel shall be of sufficient size to adequately accommodate the temporary use, building or structure.
- I. The location of the temporary use or structure shall be such that adverse effects on surrounding properties will be minimal, particular regarding the traffic generated by the temporary use or structure.
- J. Off-street parking areas are of adequate size for the particular temporary use, building or structure, are safely located and the entrance and exit drives are laid out so as to prevent traffic hazards and nuisances.
- K. Signs shall conform to the provisions of this Ordinance (see Article XIX).
- L. Any lighting or noise shall be directed and controlled so as to not create a nuisance to neighboring property owners.
- M. All the criteria specific to a particular temporary use as provided in this Section are met.
- N. The Zoning Administrator may impose conditions with the issuance of the permit which are designed to insure compliance with the requirements of this Ordinance and other applicable federal, state, or local laws, regulations, ordinances or codes.

14.8.4 Renewable Temporary Zoning Permits: Temporary Zoning Permits which are renewable may be renewed in the same manner as issuance of the original permit, except the application for renewal shall be filed at least fifteen (15) days prior to the expiration date of the current permit, and applications for renewal or extension of a permit for less than fifteen (15) days may be applied for no later than three (3) days prior to the expiration date of the current permit. Fees may be assessed in accordance with the Township Fee Schedule.

14.8.5 Performance Guarantee for a Temporary Use: The Zoning Administrator may require a performance guarantee in the form of cash, check or savings certificate or irrevocable bank letter of credit be deposited with the Township Treasurer in an amount equal to the estimated cost of removing any temporary structure for which a Temporary Zoning Permit is authorized under this Section for use in the event it is not removed by an applicant at the end of an authorized period. The applicant shall similarly sign an

affidavit holding the Township harmless against any claim for damages if the Township were to subsequently use the performance guarantee to remove the temporary structure after its authorized period had expired. The performance guarantee shall be returned when all the terms and conditions of the temporary Zoning Permit have been met (See Sec. 14.13) and the temporary use or structure has been removed.

14.8.6 Permit Revocation: A temporary Zoning Permit may be revoked at any time for any of the following reasons:

- A. Nonconformance with the requirements of this Section and/or a permit issued thereunder;
- B. Evidence that the Temporary Zoning Permit was obtained by misrepresentation or fraud;
- C. That one (1) or more of the conditions of the Temporary Zoning Permit have not been met; and
- D. That the temporary use is in violation of any statute, Ordinance, law, or regulation.

14.8.7 Cessation of Temporary Use Upon Revocation: Upon expiration or revocation of a temporary Zoning Permit for a temporary use, building or structure, the temporary use shall cease and all temporary structures, dwellings or buildings shall be removed from the parcel of land. Any use or structure established under a temporary use permit shall not give rise to any vested rights of use or property except for a limited lawful use during the term of and in accordance with the temporary permit.

14.8.8 Appeal: An appeal of a decision by the Zoning Administrator relative to approval or denial of a temporary Zoning Permit for a temporary use or renewal thereof may be taken to the Zoning Board of Appeals pursuant to Section 29.4 of this Ordinance.

# ARTICLE 15 REVISIONS

## Section : ~~15.1~~ 15.2 HOME OCCUPATION/COTTAGE INDUSTRY

### A. Home Occupations

Home Occupations may be carried on in residential structures under the following conditions:

Customary home occupations such as hairdressing, millinery, dressmaking, bookkeeping and accounting, real estate, and insurance sales when carried on by the occupant and that no outdoor activities are carried on in connection with such use.

Professional office for occupancy by not more than one (1) physician, dentist, attorney, architect, engineer or similar recognized professional practitioner with not more than one (1) full-time equivalent employee.

Such occupations or uses are intended to provide reasonable flexibility, but a permit shall not be granted if the essential character of a lot or structure within a Residential District, in terms of use or appearance, will be changed significantly and the other conditions of this Section are met.

- ~~1. Home occupations are permitted as a use by right in all zoning districts in which 1-unit dwellings are permitted as a use by right.~~
- 2.1. Home Occupations shall be operated in their entirety within the dwelling or within an attached or detached garage ~~or accessory building~~. The Home Occupation shall occupy no more than the equivalent of ~~twenty-five~~ thirty percent (~~25~~ 30%) of the ~~dwelling's~~ ground floor area ~~of the dwelling and attached garage or detached garage~~.
- 3.2. Home Occupations shall be conducted only by the person or persons occupying the premises as their principal residence. No ~~more than one full-time employee non-resident persons~~ shall be employed to assist with the business ~~either on-site or off-site~~.
- ~~4. Additions to a dwelling or accessory structure for the purpose of conducting a Home Occupation shall be of an architectural style that is compatible with the architecture of the dwelling and shall be designed so that the addition can be used for dwelling purposes if the home occupation is discontinued.~~
- 5.3. Home Occupations shall be incidental and subordinate to the principal use of the dwelling for residential purposes and shall not detract from the residential character of the premises or neighborhood.
- 6.4. Home Occupations shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and the Township as a whole. Any machinery, mechanical

devices, or equipment employed in the conduct of a Home Occupation based business shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the dwelling for residential purposes.

- 7.5. Traffic, parking and delivery ~~or~~ and pickup of goods shall not exceed that normally created by residential uses.
- 8.6. The outdoor storage of goods and/or materials associated with the home occupation is prohibited.
- 9.7. No article shall be sold or offered for sale on the premises except such as is produced within the dwelling or accessory building or is provided incidental to the service or profession conducted within the dwelling ~~or accessory building~~. However this provision would not prohibit home based catalogue, internet or ~~and~~ similar sales that do not involve the use of a product showroom or permanent product display and that does not traditionally generate traffic or parking demands beyond that customarily found in residential areas.
- 10.8. There shall be no parking permitted within any setback areas.
- 11.9. No hazardous chemicals shall be stored on site.
- 12.10. No process, chemicals, or materials shall be used which are contrary to any applicable State or Federal laws.
- 13.11. There shall be no exterior evidence of the Home Occupation other than one non-illuminated incidental sign not exceeding two hundred and eighty-eight (288) square inches in area may be attached flat on the front wall of the dwelling to advertise the home occupation.

#### **A.B. Cottage Industries ~~Home Based Business~~**

1. Cottage industries may be allowed as a Special ~~Approval~~ Land Use in the Rural Preservation Districts on a lot with an area of ~~ten (10) acres~~ **two and one-half (2-1/2) acres** or more, subject to review and approval by the Planning Commission.
  - a. Cottage industries shall be allowed on the basis of individual merit, a periodic review of each cottage industry shall be performed **by the Zoning Administrator (or his designate)** to ensure the conditions of approval are adhered to by the property owner/occupant.
  - b. If a premise is sold, leased, or rented to a party other than the applicant, the permit shall be reviewed for compliance with the original permit by the Zoning Administrator. If any changes are necessary, the request will be reheard by the Planning Commission.



2. Cottage industries shall be incidental and subordinate to the use of the premises for residential purposes and shall not detract from the residential character of the premises or neighborhood. ~~There shall be no exterior evidence of such industry other than a nameplate not exceeding four (4) square feet in area.~~
3. A cottage industry shall be operated, in their entirety, within the residence dwelling or shall occupy not more than one building such as an attached or detached garage or accessory building subject to the requirements of Article 3, Sections 3.10 and/or 3.11. ~~The floor area of such building shall not exceed twenty four hundred (2400) square feet.~~
4. The outdoor storage of goods and/or materials of any kind is prohibited unless screened (by a tight-board wood fence, landscaped buffer, landscaped berm, etc.) from view from neighboring property and road right-of-ways. If required, the type of screening shall be determined at the discretion of the ~~Planning Commission~~ Zoning Administrator.
5. Cottage industries shall not result in the creation of conditions that would constitute a nuisance to neighboring property owners and surrounding zoning district.
  - a. Any machinery, mechanical devices or equipment employed in the conduct of a Cottage Industry shall not generate noise, vibration, radiation, odor, glare, smoke, steam, or other condition not typically associated with the use of the premises for residential purposes.
  - ~~6.~~ b. Traffic, parking and delivery or pickup of goods shall not exceed that normally created by residential uses.
- ~~7.~~ 6. Cottage industries shall be conducted only by the person or persons residing on the premises. The Planning Commission may allow up to a total of two additional employees or assistants whether employed on-site or off-site.
- ~~8.~~ 7. To ensure that the cottage industry is compatible with surrounding residential use, ~~a~~ the "not-to-exceed" number of vehicles that may be parked at any given time during business operations, including the location and any screening that may be required, shall be established by the Planning Commission during the review and approval process.
- ~~9.~~ 8. Hours of operation shall be approved by the Planning Commission.
9. Signage for a Cottage Industry shall be governed by the requirements of Article 19 of this Ordinance.

## **B.C. Termination, Extensions, Revisions, and Inspections**

1. Upon written application by the owner, the Planning Commission may, for just cause, grant time extension for compliance with the conditions of this Section.
2. Any home occupation or cottage industry shall be subject to periodic review by the Zoning Administrator **for compliance with the requirements herein or set by the Planning Commission.**
3. In the event any home ~~business-occupation or cottage industry~~ shall be complained of as creating or causing a nuisance or conducting a manner of ~~business-home occupation or cottage industry~~ not customarily carried on as a home ~~business occupation or cottage industry~~, then the Zoning Administrator may order the operator of such home business to appear before the Planning Commission for a review of the use.
4. ~~a.~~ If the Planning Commission finds, following a hearing on the home business, the requirements of the Zoning Ordinance are not being met by the operator of the home ~~business occupation or cottage industry~~, then the Planning Commission shall have the authority to order a limit on the hours of operation, impose conditions of operation or, if deemed necessary, order the complete termination of the ~~activity~~**home occupation or cottage industry.**
5. ~~4.~~ ~~Proposed revisions to or additions to or sale of a Home Occupation or Cottage Industry shall constitute a change of use and shall be subject to special use review and approval by the Planning Commission.~~

## **D. Continuation of Nonconforming Uses**

Any existing use that would constitute a Home Occupation or Cottage Industry under this definition and any use that has otherwise previously been approved as a special use on or before \_\_\_\_\_ **the date of adoption of this ordinance** whether such use was or is specifically designated as a special use in the Zoning District in which it is located is hereby deemed an allowable nonconforming use. Provided, however, that such use may not hereafter be enlarged or changed except as set out in ~~Section ???~~ **Article 15.2** of this Ordinance unless such change and/or enlargement is approved as a special use under ~~Section????~~ **Article 14** or a variance has been granted under ~~Section ??~~ **Article 29.**

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# ARTICLE 21 REVISIONS

**ARTICLE XXI**  
**LIGHTING, LANDSCAPING, BUFFERING FENCING AND SCREENING**

**Section 21.1 – PURPOSE**

The purpose of this article is to provide regulations and requirements for exterior lighting, fencing, landscaping, fencing ~~berming or~~ and screening of the perimeter of certain activities ~~land uses and facilities~~ in order to protect the character of the surrounding area, incorporate dark skies initiatives, prevent trespassing into unsafe areas, discourage theft, ~~stabilize soils, control wind-blown dust and debris,~~ prevent light from glaring onto adjoining properties, stabilize soils, control wind-blown dust and debris reduce storm water runoff, increase ground water infiltration and reduce noise.

**Section 21.2 – LIGHTING REQUIREMENTS**

The purpose of this ordinance is to:

1. Permit reasonable uses of outdoor lighting for nighttime safety, utility, security, and enjoyment while preserving the ambiance of the night,
2. Curtail and reverse any degradation of the nighttime visual environment and the night sky;
3. Minimize glare and obtrusive light by limiting outdoor lighting that is misdirected, excessive, or unnecessary;
4. Conserve energy and resources to the greatest extent possible;
5. Help protect the natural environment from the damaging effects of nighttime lighting

~~A. — All outdoor lighting (includes light source and lenses) with illumination above 150 watts in all use districts used to light the general area of a specific site shall be shielded to reduce glare and shall be so arranged as to prevent overlapping and to reflect lights away from all adjacent residential districts or adjacent residences. Lighting shall also be shielded on the top to prevent unnecessary lighting of the night sky. Lighting fixtures shall be a down-type having one hundred (100) percent cutoff. The light rays may not be emitted by the installed fixture at angles above the horizontal plane, as may be certified by a photometric test.~~

~~A. — Exterior lighting is required to use either 1 or 2 noted below:~~

A. All outdoor light fixtures shall have full cut-off shielding such that no light is emitted above an imaginary horizontal plane passing through the fixture below the light source regardless of type or wattage, EXCEPT for gas lighting, glass tubes filled with Neon, Argon or Krypton, and small decorative fixtures such as porch lights.

~~— Baffles or shields shall be required as needed so that light sources are not visible beyond the property on which they are installed, so that direct light rays are not directed above a horizontal plane passing through the fixture, and also so that vehicular and pedestrian traffic are protected from unnecessary and~~

~~dangerous glare and from the intense light of directly visible light sources.~~

**B** Exterior lighting installed after the effective date of this ordinance shall have the Fixture Seal of Approval (FSA) for dark sky friendly light fixtures as certified by the International Dark Sky Association. FSA compliant fixture can be referenced at: [www.darksky.org/outdoorlighting-29](http://www.darksky.org/outdoorlighting-29)

**C** Exterior light fixtures shall be energized only when necessary by means of automatic timing devices and through the use of motion detection devices on security lighting.

~~B~~**D.** All outdoor lighting in all use districts shall be directed toward, and confined to the ground areas of, lawns and parking lots. Parking lots shall not be lit between the hours of 9:00 am and 4:00 p.m., unless conditions regarding weather, employment, or parking lot use patterns warrant otherwise.

~~C.~~ All lighting in business districts used for the external illumination of buildings, so as to feature said buildings, shall be placed and shielded so as not to interfere with the vision of persons on adjacent highways or adjacent property.

~~D.~~ Illumination of signs shall be directed or shaded downward so as not to interfere with the vision of persons on the adjacent highways or adjacent property.

**E.** Floodlights shall be directed downward, shielded as necessary so that the light source is not visible from roads or adjacent property, and located and directed so that light is neither unnecessarily reflected onto adjacent property or into the night sky

~~E~~**F.** All illumination of signs and any other outdoor feature shall not be of a flashing, moving or intermittent type. Artificial light shall be maintained stationary and constant in intensity and color at all times when in use.

~~F~~**G.** All freestanding and outdoor lighting shall not exceed ~~thirty~~ **twenty-eight (28)** feet in height except ~~to light a stadium~~ **as shown on the approved site plan for the use or facility.**

~~G.~~ Unless otherwise approved by the Planning Commission, parking lot light sources shall be high-pressure sodium. Other light sources should use warm white or natural lamp colors.

**H.** Sodium light sources shall be used for street lighting, parking lot lighting, and for security lighting when such security lighting is not to be energized by motion detection devices. Where feasible, low-pressure sodium lighting is to be encouraged.

**I.** In addition to fixture design and shielding, architectural and landscape design

features may be incorporated into an outdoor lighting plan to meet the requirements and comply with the intent of this Article

J. Off-premises advertising signs, if permitted, shall not be illuminated externally or internally.

K. Advertising signs shall not be illuminated between one (1) hour after the close of business and one (1) hour before the opening of business on the following day except by special permission granted as a condition of site plan approval. All fixtures or circuits illuminating advertising signs shall be equipped with automatic timing device.

L. Quartz and mercury vapor lighting are prohibited because of the broad spectrum of visible light which these sources emit and because of the diffusive and reflective character of such light

M. All parking lots shall be illuminated only when in use during regular business hours and thereafter only until the public and employees have left the premises. Security lighting fixtures meeting requirements of this Article will be permitted only as shown on the approved site plan.

N. Entrance and traffic marker lights along access roads and drives, ~~4~~in parking lots and along pedestrian ways shall be sodium type and equipped with full cut-off shielding as well as shielding to keep the light source out of view of vehicular and pedestrian traffic

O. Outdoor display areas including display or storage lots may ~~be~~ illuminated during the hours the business is open to the public or until 11 00 P.M. Metal halide light sources may be used provided such fixtures are equipped with full cut-off shielding and project only the minimum amount of light necessary for good visibility.

P. Lighting of building facades shall be from the top and directed downward with full cut-off shielding and additional shielding to keep the light source from the view of vehicular and pedestrian traffic and adjacent property.

Q. Security lighting shall be directed away from and/or shielded from road traffic and adjacent properties.

R. Limit the type of LED light to a "warm-white" or filtered LEDs's (with a Correlated Color Temperature (CCT) lower than 3,000K) to minimize blue emissions.

S. Approved Materials: The provisions of this Article are not intended to prevent the use of any design, material or method of installation, even if not specifically prescribed by this Article, provided that such alternate has been approved by the Planning Commission and meets or exceeds the Illuminating Engineers Society (IES) standards and has the Fixture Seal of Approval (FSA) from the International Dark Sky Association.

T. Exemptions: The following uses and activities shall be exempt from these Exterior Lighting Regulations:

- 1 Lighting in swimming pools and other water features governed by Article 680 of

- the National Electrical Code.
- 2 Exit signs and other illumination required by building codes.
  - 3 Lighting for stairs and ramps, as required by the building code.
  - 4 Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
  - 5 Holiday and temporary lighting (less than ~~thirty~~ forty-five (45) days use in any one year).
  - 6 Football, baseball, and softball field lighting; only with permit from the Township recognizing that steps have been taken to minimize glare and light trespass, and utilize sensible curfews.
  - 7 Low voltage landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.

### **Section 21.3 – RIGHT-OF-WAY PROTECTION AND PUBLIC SAFETY**

No trees or shrubs shall be planted within a public right-of-way without the prior written consent of the appropriate public agency responsible for maintaining the right-of-way. Landscaping shall not interfere with public safety, and shall not interfere with the safe movement of motor vehicles, bicycles, or pedestrians (see especially Section 3.20). Landscape materials shall not obstruct the operation of fire hydrants, electrical or other utility lines or facilities.

### **Section 21.4 – REQUIRED VEGETATION**

A greenbelt, buffer strip, or berm as required by this Ordinance or as a condition to the approval of a Site Plan, Special Use Permit, Planning Unit Development Permit or variance, shall be installed and maintained in a healthy living condition for the duration of the principal use of property in accordance with the following requirements. Where this Ordinance or a condition of a permit issued under this Ordinance fails to specify a particular option, the owner or developer may choose which option to install: a greenbelt, buffer strip or berm. If none is selected, the Zoning Administrator shall select and so note on the permit. See also Section 21.8.

A.– Greenbelts:– A greenbelt shall consist of an open space strip running along the property line at least thirty (30) feet in width, seeded and maintained as grass or other plant ground cover. Trees or shrubs may be planted at the discretion of the landowner without regard for the spacing requirements of Section 21.4.B.

B.– Buffer Strips:– A buffer strip shall consist of a landscaped strip at least fifteen (15) feet in width containing at least two (2) trees plus one (1) additional tree for each twenty (20) feet in length of the buffer strip. Said trees shall be at least one and three-fourths (1¾) inches in caliper measured six (6) inches above ground level. Dead or dying trees