

**ARTICLE 26.00
SCREENING, LAND USE BUFFERS, AND
LANDSCAPE REQUIREMENTS**

Section 26.01 PURPOSE

The purpose of this Article is to:

Section 26.01.1 Promote the health, safety, and welfare of the community by protecting the character, appearance, and thereby the value of land and residential neighborhoods.

Section 26.01.2 Protect the stability of each parcel and lot within the Township by requiring screening or land use buffers between contiguous land uses of different or conflicting intensity of use.

Section 26.01.3 Promote the public health, safety, and welfare of the community by recognizing the role of trees and shrubs in the quality of the community.

Section 26.01.4 Promote the public health, safety, and welfare by reducing soil erosion and depletion and increasing water retention in the soil to reduce flooding.

Section 26.01.5 Enhance the appearance of commercial developments, vehicular use areas, off-street parking areas, street and road right-of-ways, and land directly abutting said right-of-ways, thereby reducing or eliminating conditions which may lead to blighted conditions.

Section 26.01.6 Preserve and improve the positive environmental elements of the Township.

Section 26.01.7 Enhance the public health, safety, and welfare of the community by assisting in the definition and recognition of traffic flows related to commercial, office and multiple family residential developments, vehicular use areas, off-street parking areas, street and road right-of-ways, and land directly abutting said right-of-ways.

Section 26.02 STATEMENT OF PRINCIPALS

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Section 26.02.1 Competing land uses or land uses of different intensity can be made compatible through proper landscape and buffer treatments, be they abutting properties or the interface with public major and minor thoroughfares.

Section 26.02.2 Air quality of a community can be enhanced by the use of trees and shrubs. Proposed planting plans shall address the destruction or removal of existing wood lots and trees. The plan shall establish a method for offsetting the destroyed or removed trees.

Section 26.02.3 The overall character of a community and its ability to avoid blight and deterioration can be affected by the use and physical layout of individual sites. Such items as landscape setbacks, buffer areas, screen areas, planting islands, and general landscape areas play a key role in sustaining a positive physical environment.

The general circulation flow of both pedestrian and automobile traffic can be positively affected by the use of such items as landscape setbacks, buffer areas, screen areas, planting islands, and general landscape areas.

Section 26.03 SCOPE

Section 26.03.1 The provisions of this Article shall apply to all parcels or lots which are hereafter developed, expanded, altered, or redeveloped.

Section 26.03.2 The provisions of this Article shall apply to all uses which are developed, significantly expanded, or significantly changed. See site plan review requirements (ARTICLE 27.00 TOWNSHIP PLANNING COMMISSION SITE PLAN AND DEVELOPMENT APPROVAL) for potential modifications to this requirement.

Section 26.04 WHEN REQUIRED

Section 26.04.1 Landscape Development Plans consistent with the requirements of this Ordinance shall be required as part of the site plan review process before the Planning Commission. The Landscape Development Plan shall be submitted and approved or approved with conditions by the Planning Commission prior to granting Final Site Plan approval.

Section 26.04.2 In developments which are not subject to site plan approval by the Planning Commission, a detailed Landscape Development Plan which substantially conforms to the requirements of this Ordinance shall be submitted to the Building Department for review and approval by the Building Official after review and comments from

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the Township Planning Consultant/Planner. No building permit shall be issued prior to this action.

Section 26.04.3 Landscape Development Plans shall be required as part of the plat review process whenever deemed necessary and appropriate by the Planning Commission. The Landscape Development Plan shall be submitted and approved or approved with conditions prior to Final Preliminary Plat approval by the Township Board.

Section 26.05 PLAN REQUIREMENTS

Landscape Development Plans shall illustrate areas of existing trees or wood lots which shall be removed and those that will be retained. The plans shall include the type, quantity, location, and size of plant material proposed. The Landscape Development Plan shall show the location of all buildings, paving, proposed lawn areas, and all other information necessary to permit the Planning Commission, Township Board, Building Official and/or Township Planning Consultant/Planner to fully evaluate the landscape treatment proposed to ensure conformity with the spirit and intent of this Ordinance.

Section 26.06 STANDARDS

Section 26.06.1 INSTALLATION

Landscaping shall be installed in a manner consistent with accepted planting procedures set forth by the American Association of Nurserymen and approved by the American National Standards Institute, Inc., and the Landscape Development Plan approved by the Township.

Section 26.06.2 MODIFICATIONS TO APPROVED PLAN

The Building Official may permit minor revisions and deviations from the approved landscape development plan, provided:

- Section 26.06.2(a) The changes do not constitute a wholesale change of the approved Landscape Development Plan.
- Section 26.06.2(b) The revised plan is consistent with the spirit and intent of this Article.
- Section 26.06.2(c) The revised plan is consistent with the spirit and intent of the original approved Landscape Development Plan.
- Section 26.06.2(d) The proposed revisions are approved by the Township Planner/Planning Consultant.

Section 26.06.3 TIME OF INSTALLATION

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Section 26.06.3(a) Installation of all landscaping, screen fences, screen walls, etc. shall be completed prior to issuance of a Certificate of Occupancy for the proposed development, unless it is determined that the weather conditions may jeopardize the landscape materials or the stability of the screen walls.

Section 26.06.3(b) If it is determined that weather conditions are not suitable for the installation of plant materials, screen walls, etc., a temporary Certificate of Occupancy may be issued, provided the developer submits for review and approval a cost estimate for the completion of the landscape development plan and provides the Township with a cash deposit, certified check, or irrevocable letter of credit in the amount of the approved cost estimate. In no case shall a Certificate of Occupancy or Temporary Certificate of Occupancy be issued without the aforementioned submission. It shall be the responsibility of the Building Official to ensure that this policy is carried out. At the time of submission of the cash deposit, certified check, or irrevocable letter of credit, the Building Official shall establish a completion date at which time all improvements proposed in the landscape development plan shall be completed. Failure to complete all improvements by the established completion date shall result in the forfeiture of the deposit to the Township and shall not release the developer from the obligation for installation and completion of the improvements proposed in the landscape development plan. The Building Official may grant one extension for sixty (60) days after a written request from the developer, provided circumstances warrant such an extension. The Building Official may release the cash deposit, certified check, or irrevocable letter of credit, after completion of the work to be performed. The Building Official may permit periodic release of a portion of the cash deposit, certified check, or irrevocable letter of credit, provided the amount reduced is equal to the amount installed to date.

Section 26.06.4 PROTECTION OF LANDSCAPE AREAS

Landscape areas, that is, areas consisting of grass, ground cover, shrubs, flowering trees, deciduous trees, evergreen trees, etc., shall be protected from vehicles. Curbing shall be provided to protect all landscape areas. Other methods of protection may be approved,

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provided the Commission finds that the separation proposed will prevent the intrusion of vehicular traffic onto or over landscape areas.

Section 26.06.5 PLANT AND LANDSCAPE MATERIALS

Section 26.06.5(a) All plant material shall:

Section 26.06.5(a)(1) Conform to size and description set forth in the current edition of "American Standard for Nursery Stock" sponsored by the American Association of Nurserymen, Inc., and approved by the American National Standards Institute, Inc.

Section 26.06.5(a)(2) Be true to name in conformity with the current edition of "Standardized Plant Names," American Joint Committee on Horticultural Nomenclature.

Section 26.06.5(a)(3) Be typical of their species or variety, have normal habits of growth, well branched, and densely foliated when in leaf.

Section 26.06.5(a)(4) Be of sound health and vigorous in appearance, free from disease, insect pests, eggs, or larvae, and have healthy, well-developed root systems.

Section 26.06.5(a)(5) Be freshly dug and nursery grown.

Section 26.06.5(a)(6) Be chosen according to soil, climatic conditions, and environmental factors for the proposed development.

Section 26.06.5(b) Trees shall have straight trunks with leaders intact, undamaged, and uncut.

Section 26.06.5(c) The following trees, because of various problems, shall be considered in conflict with a developing community and are of undesirable quality, and therefore shall be prohibited in most cases.

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|------------------------------|------------------|
| 1. <i>Acer negundo</i> | Box Elder |
| 2. <i>Ulmus varieties</i> | Elm varieties |
| 3. <i>Aesculucsvarieties</i> | Horse chestnuts |
| 4. <i>Populus varieties</i> | Poplar varieties |
| 5. <i>Salix varieties</i> | Willow varieties |

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- 6. *Catalpa varieties* Catalpa varieties
- 7. *Ailanthus altissima* Tree of Heaven

This does not preclude the use of these trees if the Commission determines that the existing or proposed conditions are beyond the norm, such as use of willow varieties along a natural or man made pond, or retention of existing trees whose removal would result in a substantiated loss of an existing screen/buffer of adjacent lands or public right-of-way. If necessary, the Commission can require the applicant to provide a report from a tree expert indicating health, state of insect infestation, and general life expectancy of the trees proposed for retention. The report may address the conditions of the general area to be retained and need not be an individual tree analysis.

Section 26.06.5(d) Lawn areas shall be planted in species of grass normally grown as permanent and maintained lawns in southeast Michigan. Grass may be sodded or seeded and mulched, except that sod shall be required in swales or other areas subject to erosion. When seeding and mulching, hydroseeding or similar method shall be used. Sod or seed shall be clean, free of weeds and noxious pests or disease.

Section 26.06.5(e) Ground cover shall be planted in a manner which will present a finished appearance and be reasonably complete after a full growing season.

Section 26.06.5(f) Hedges, where provided, shall be planted and contained so as to form a continuous, unbroken, solid, visual screen within one full planting season. Where plants are to be used as a hedge for screening purposes, the maximum spacing will have to be determined based on the plant proposed.

Section 26.06.5(g) Minimum size of plant material:

Section 26.06.5(g)(1) Deciduous shade trees -- shall be species having a trunk which can be maintained with over seven (7) foot clear stem. Deciduous trees shall have a minimum caliper of two (2 - 2 1/2) inches at the time of planting.

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- Section 26.06.5(g)(2) Deciduous ornamental trees -- shall be a minimum of eight (8) feet in height at the time of planting.
- Section 26.06.5(g)(3) Evergreen trees -- shall be a minimum of four (4) feet in height at the time of planting.
- Section 26.06.5(g)(4) Shrubs -- shall be a minimum of two (2) feet in height at the time of planting, or two (2) feet in spread if the plants are low spreading evergreens.
- Section 26.06.5(g)(5) Vines -- shall be a minimum of thirty (30) inches in length after one growing season.

Section 26.06.5(h) Artificial plant material shall be prohibited.

Section 26.06.6 MAINTENANCE

- Section 26.06.6(a) All landscape materials, plant materials, or manufactured materials, shall be kept in a neat and orderly manner, free from debris and refuse.
- Section 26.06.6(b) All diseased, unhealthy, and dead plant material shall be removed immediately and replaced, unless it is determined that weather conditions may jeopardize the health of the landscape material. If the plant material is not planted immediately, the owner shall provide a cash deposit, certified check, or irrevocable letter of credit in the amount equal to the installation. Failure to complete the installation shall result in forfeiture of the deposit to the Township and shall not release the owner from the obligation to replace the vegetation. Replacement material (trees or shrubs) shall be installed at or as close as possible to the size of the material at the time of their removal.
- Section 26.06.6(c) The approved Landscape Development Plan shall be considered a permanent record and integral part of the site plan approval. Unless otherwise approved in accordance with the aforementioned procedures, any revisions to, or removal of, plant materials will place the parcel in non-conformity with the originally approved Landscape Development Plan and shall be viewed as a violation of this Ordinance and the agreed upon terms of the Final Site Plan approval.

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Section 26.06.6(d) The developer, at the time of the submission of the Final Site Plan approval, shall demonstrate to the Planning Commission that adequate provisions have been made to supply water to all landscape areas. This may be accomplished by the installation of an irrigation system or outside hose bibs of sufficient quantity and location to provide water for the landscape areas where specified.

Section 26.06.6(e) A contract for maintenance of all landscape area may be required by the Department of Building and Code Enforcement.

Section 26.07 EXISTING NATURAL RESOURCES

The existence of any significant natural resources, such as trees, ponds, streams, lakes, steep slopes, or wetlands shall be considered during the design and development stages. The general approval shall be to protect and reinforce these elements.

To adequately review this aspect, the applicant shall submit a topographic survey identifying the physical features and attributes of the site. When the site contains existing wood lots or groups of trees, this topographic analysis shall indicate the general species of trees and break down the woodlot by general size of material within the woodlot. It is not the intent of this Section to require a tree by tree survey. The breakdown shall be by three general categories:

1. sapling to 6" caliper
2. 6" to 12" caliper
3. over 12" caliper

When areas of existing woodlot must be removed to facilitate development, the Commission may require that a re-establishment program be provided. This can be accomplished by a "reforestation" program (planting of numerous trees 1" or less in caliper) or planting of trees greater than the minimum of 2 to 2 1/2" caliper.

Section 26.08 OBJECTIVES FOR SCREEN AREAS

Where landscape treatment is proposed for screening purposes, the Planning Commission shall ensure that the following objectives are met:

Section 26.08.1 The selection and placement of plant materials or landscape elements is such that the general maintenance and upkeep of the areas shall be low so that the success of the planting area can be anticipated without placing an undue hardship on the landowner or lessee.

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Section 26.08.2 The landscape treatment proposed forms a complete visual and physical separation between the two unlike land uses.

Section 26.08.3 The landscape treatment proposed provides a transition zone between the unlike uses, establishes protection for the less intensive use, and is compatible with the less intensive use.

Section 26.08.4 The landscape treatment proposed will effectively reduce the adverse effects of the more intense use by reducing glare of headlights, lighting from parking areas, noise, pavement areas, trash pickup points, parking areas, access drives, etc.

Section 26.09 OBJECTIVES FOR BUFFER AREAS

Where landscape treatment is proposed for buffering purposes, the Planning Commission shall ensure that the following objectives are met:

Section 26.09.1 The selection and placement of plant materials or landscape elements is such that the general maintenance and upkeep of the areas shall be low so that the success of the planting area can be anticipated without placing an undue hardship on the landowner or lessee.

Section 26.09.2 The landscape treatment proposed forms a partial visual and physical separation between the two uses or activities.

Section 26.09.3 The landscape treatment proposed forms a transition zone which breaks up the visual pattern of paving areas.

Section 26.10 METHODS OF SCREENING

Section 26.10.1 **SIX FOOT BRICK/CONCRETE WALL AND PLANTING STRIP**

A solid wall of brick or poured concrete utilizing a brick pattern form. A minimum of six (6) feet in height shall be required.

The wall shall be located at the property line with a planting strip four (4) to six (6) feet wide abutting the base of the wall, on the interior (subject property side) of the wall.

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Section 26.10.2 SCREENING BERM

Section 26.10.2(a) A screening berm consisting of acceptable soils shall be provided. The berm shall be constructed in the field to be a minimum of five (5) to six (6) feet in height with side slopes not greater than 3:1. Three (3) foot horizontal to one (1) foot vertical.

Section 26.10.2(b) The berm shall be constructed in a manner which will ensure that it shall visually appear to be consistent with the adjacent topography, and occurring as a "natural" extension of said topography. Further the berm shall be graded smooth and shall be sodded, seeded, and mulched and planted. A Landscape Development Plan shall be submitted and approved in connection with any proposed screening berm. The plan shall include as part of the berm deciduous shade trees, small deciduous ornamental trees and/or evergreen trees planted along the berm area.

Section 26.10.3 EVERGREEN SCREEN

Section 26.10.3(a) An evergreen screen shall consist of *Abies concolor* (white fir) or *Pinus nigra* (Austrian Pine) planted ten (10) to fifteen (15) feet on center in two staggered rows ten (10) feet apart.

Section 26.10.3(b) Other evergreen plant material may be considered provided the Planning Commission finds said plant material to be consistent with the spirit and intent of this Ordinance and the material will provide the same screening effect as the white fir and Austrian Pine trees.

Section 26.11 AREAS REQUIRING SCREENING AND/OR BUFFERING

Section 26.11.1 COMMERCIAL (C-1, C-2, C-3), INDUSTRIAL (LM, GM), OFFICE (R-1-O, OS), PUBLIC SERVICE (PS) ADJACENT TO RESIDENTIAL USE OR DISTRICT (A, R-1-E, R-1-D, R-1-A, R-1-B, R-1-C, R-1-R, R-3-A, R-3-B, AND R-M-H). SCREENING SHALL MEET THE AFOREMENTIONED OBJECTIVES OF THIS ARTICLE AND SHALL BE ACCOMPLISHED BY ONE OR MORE OF THE FOLLOWING:

- Section 26.11.1(a) A solid wall with planting strip.
- Section 26.11.1(b) Screening berm.
- Section 26.11.1(c) Evergreen screen.
- Section 26.11.1(d) A combination of the above.

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Section 26.11.2 ABUTTING RESIDENTIAL DISTRICTS OR DEVELOPMENTS A, R-1-E, R-1-D, R-1-A, R-1-B, R-1-C, R-1-R, R-3-A, R-3-B, R-M-H, P.U.D OR R.U.D.) SCREENING SHALL MEET THE AFOREMENTIONED OBJECTIVES OF THIS ARTICLE AND SHALL BE ACCOMPLISHED BY ONE OR MORE OF THE FOLLOWING:

Section 26.11.2(a) When the proposed development is a special condition use or residential use and is of a nature that requires substantial parking areas, access drives, solid waste pickup points, concentrations of people for recreation; such as pools, tennis courts, etc., or is of a significantly different scale or character than the abutting residential district or use, screening and/or buffering is required and shall be reviewed by the Planning Commission to ensure that it accomplishes the following objectives:

Section 26.11.2(a)(1) The screen effectively forms a visual and physical separation between the adjacent residential use and the particular use areas which would adversely affect it, such as parking lots, concentrated recreation areas, refuse collection and pickup points, etc.

Section 26.11.2(a)(2) The buffer, when visual and physical separation is not a necessity, forms a sufficient transition zone between the two uses to afford sufficient protection of the adjacent residential district or use.

Section 26.11.2(b) Screening or buffering shall meet the aforementioned objectives for this Section and Article and shall be accomplished by one or more of the following:

Section 26.11.2(b)(1) A solid wall with planting strip.

Section 26.11.2(b)(2) Screening mound or berm.

Section 26.11.2(b)(3) Evergreen screen.

Section 26.11.2(b)(4) A four (4) foot brick wall with planting material.

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Section 26.11.2(b)(5) A combination of the aforementioned methods or an alternative the Commission determines would be best suited for the existing conditions, meets the objectives of this Article and results in reduction of the impact of said proposed facilities on the adjacent properties.

Section 26.11.3 OFF-STREET PARKING, VEHICULAR USE AREAS, AND SERVICE AREAS

Section 26.11.3(a) All off-street parking, vehicular use areas, and service areas shall be screened or buffered in a manner which meets the aforementioned objectives of this Article and shall meet the following specific objectives:

Section 26.11.3(a)(1) Off-street parking, vehicular use areas, and service areas shall be buffered in a manner that separates the proposed facility from the public right-of-way, the view of the general public, abutting existing or proposed public walks and creates a scale more appropriate to the individual.

Section 26.11.3(a)(2) Off-street parking and vehicular use areas shall be completely screened from adjacent residential districts or uses.

Section 26.11.3(a)(3) Service areas shall be completely screened from adjacent residential areas and view from the public right-of-way.

Section 26.11.3(a)(4) All screening or buffer areas shall be contained within the subject property.

Section 26.11.3(b) Screening or buffering shall meet the aforementioned objectives of this Section and Article and shall be accompanied by the following:

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Section 26.11.3(b)(1) A buffer area of at least ten (10) feet shall be provided between the off-street parking and/or vehicular use area and the street setback line. The buffer area shall include deciduous trees, flowering trees and shrubs located in a manner to meet the aforementioned objectives.

Section 26.11.3(b)(2) Service areas shall be screened by the use of appropriate plant material and/or architectural material to meet the objectives of this Section.

Section 26.11.3(b)(3) The ten (10) foot buffer area shall be increased five (5) feet in width for each sixty (60) feet or part thereof which the parking areas and/or vehicular use area exceeds sixty-five (65) feet when measured perpendicular to the street setback line, up to a maximum buffer width of thirty (30) feet.

Section 26.11.4 PUBLIC UTILITIES

Section 26.11.4(a) Communication facilities (not including buildings), public utility transformer stations, sub-stations, and gas regulator stations shall be screened. The screen shall be reviewed by the Planning Commission to ensure that it accomplishes the following objectives:

Section 26.11.4(a)(1) The proposed screen effectively separated the proposed facility from the public right-of-way and the view of the general public.

Section 26.11.4(a)(2) The proposed screen effectively separated the proposed facility from the public right-of-way and the view of the general public. The proposed screen effectively establishes some form of separation and human scale between the proposed facility and abutting public walks.

Section 26.11.4(a)(3) Screening shall meet the aforementioned objectives and shall be accomplished by one or more of the following:

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Section 26.11.4(a)(3-a) Screening mound or berm.

Section 26.11.4(a)(3-b) Solid wall with planting screen.

Section 26.11.4(a)(3-c) Fence with evergreen screen.

Section 26.11.5 **RESIDENTIAL DEVELOPMENT ADJACENT TO A MAJOR THOROUGHFARE OR EXPRESSWAY**

Section 26.11.5(a) Where a residential development abuts a major thoroughfare a buffer area shall be provided between the thoroughfare and the proposed development. The buffer area shall include deciduous trees, evergreen trees, flowering trees, shrubs and/or berming located in a manner to reduce the impact of said thoroughfare on the development.

Section 26.11.5(b) Where a residential development abuts an expressway a plan shall be submitted illustrating the development at the interface area between the development and the expressway. The plan shall clearly identify how the negative factors of the expressway (noise, visual impact etc.) will be mitigated. The mitigation plan shall be submitted to the Michigan Department of Transportation for comment regarding the effectiveness of the proposed buffer treatment.

Section 26.12 PLANTING ISLAND FOR PARKING LOTS

Parking lots shall be broken up by the use of planting strips, islands, or staggering of trees. The location and design of the proposed planting islands shall be reviewed by the Planning Commission to ensure that the following objectives are accomplished:

Section 26.12.1 The planting island is designed in a manner which will ensure proper protection of plant material located within the island.

Section 26.12.2 The plant material used is characterized by low maintenance and suitable for the sever conditions it will encounter.

Section 26.12.3 The planting islands and the proposed plantings will successfully offer a visual break to the large paving area and is in scale with the overall project by using large deciduous trees within the islands.

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Section 26.12.4 The planting island clearly defines the major egress/ingress to the lot, the major interior circulation system of the lot and fire lanes.

Section 26.12.5 One (1) tree per ten (10) parking spaces shall be required.

Section 26.13 ISLAND TURNAROUNDS

Where, within a residential development, dead end streets area planned, adequate provision must be provided for landscape and maintenance of turn around islands. Such provisions shall be included in landscape plan with an indication of the date by which the work will be completed.

Section 26.14 EXCEPTIONS

Section 26.14.1 Where buffering has been accomplished along adjacent perimeters by means of earlier development, the Planning Commission may waive the requirement for additional screening.

Section 26.14.2 Within the intent of this Article, the Planning Commission may approve alternatives as it deems necessary to accommodate peculiar circumstances or unforeseen problems and to carry out the spirit and intent of this Article.

Section 26.15 NAUTICAL THEME NORTH DIXIE HIGHWAY

Section 26.15.1 The North Dixie Highway Corridor (sometimes referred to as “Corridor”) extends on both sides of the North Dixie Highway from I-75 to the northern boundary of Frenchtown Charter Township.

Section 26.15.2 In 1985 an analysis of the North Dixie Highway Corridor was conducted. The results of that study recognized that the approximate location of Lake Erie to the Corridor was an important Community resource unlike any other area in the Township. To that end, signage in this Corridor has been restricted to “Monument and Wall signs” only. In addition the signs are to be designed to reinforce a” **nautical theme**” for the Corridor.

Section 26.15.3 Landscape development along a corridor frontage can have a positive impact on the image of that corridor. The landscaping along the North Dixie Highway Corridor frontage is important in establishing the image of the Corridor. The Landscape layout and elements of the Landscape Plan must reinforce a “**nautical theme**” and comply with the requirements and specifications in this

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Ordinance and as found in the document titled “NAUTICAL THEME REQUIREMENTS NORTH DIXIE HIGHWAY CORRIDOR” approved by the Township Planning Commission on July 18, 2013 or as thereafter amended. This approach is essential to achieving the Community’s desired aesthetic character, economic enhancement and revitalization, and to support the public health, safety and welfare of the North Dixie Highway Corridor.

Amended January 14, 2014 by Zoning Ordinance Amendment No. 200-113.