

ARTICLE 10
NATURAL FEATURES OVERLAY DISTRICT

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Sec. 10-01 Description and Purpose

The purpose of this Article is to ensure that property is developed in a manner consistent with its zoning designation, and the proposed physical elements are designed and arranged to protect the priority resource protection areas both on the site and in the vicinity of the site as identified by Brighton Township and Livingston County. The Overlay District establishes procedures to enable the applicant and Planning Commission to achieve the mutually compatible objectives of reasonable use of land and protection of vital natural resources. It is the intent of this Article to allow for development in a creative fashion that protects vital natural features of a site while preserving the property owner's right for reasonable use of their land. The use of a PUD option to achieve this purpose is encouraged.

20 **Sec. 10-02 Applicability**

- (a) This Article shall apply to all land divisions and development plans requiring site plan approval, subdivision plat approval, and condominium plan approval that are located within the natural features protection areas as illustrated on the Natural Features Protection Area Map. Development subject to this Article shall be designed and arranged to ensure that disturbance to any natural features in those areas as a result of development shall be minimized through the use of natural area buffers, conservation easements or creative land development techniques, as specified herein.
- (b) The provisions of this overlay zoning district shall apply in addition to the applicable regulations of the underlying zoning district. The lot area and bulk requirements of the underlying zoning district shall be complied with, subject to the requirements of this overlay zoning district. Where a conflict exists between the requirements of this overlay zoning district and the underlying zoning district, the more restrictive requirement(s) shall apply.

Sec. 10-03 Uses Permitted

5 The uses permitted shall be regulated by the underlying zoning district. The review and approval process applicable in the underlying zoning district shall be followed with the additional information required by this overlay zoning district.

Sec. 10-04 Environmental Impact Assessment

10 (a) An environmental impact assessment shall be submitted with any application for site plan, condominium, or preliminary subdivision plat approval that is located in the Natural Features Overlay District and includes natural features such as wetlands, woodlands, drainageways, or other natural features in need of protection. The Planning Commission may waive the requirement for an environmental impact assessment where the applicant demonstrates that the site does not contain any of the above natural features.

15 (b) The report shall be prepared by a professional qualified in the areas of ecology, botany, wildlife biology, or other relevant discipline acceptable to the Planning Commission and describe the following:

20 (1) Wildlife use and habitat showing the species of wildlife using the area, the times or seasons that the area is used by those species, and the "value" (meaning feeding, watering, cover, nesting, roosting, perching) that the area provides for such wildlife species.

25 (2) Boundary of wetlands in the area and a description of the ecological functions and characteristics provided by those wetlands.

30 (3) Pattern, species, and location of any significant native trees and other native site vegetation.

35 (4) Bank, shoreline, and ordinary high water mark of any stream or body of water on the site.

(5) Wildlife movement corridors including greenways that connect habitat areas.

(6) General ecological functions provided by the site and its features.

Sec. 10-05 Establishment of Natural Features Protection Areas

5 (a) All plans submitted in conformance with this Article shall divide the site into the following two areas based upon the environmental impact assessment:

10 (1) Development area(s).

15 (2) Natural features protection area(s), as described below and illustrated on the Natural Features Protection Area Map.

20 (b) The development area shall be established based on the development capability of the site and indicate the specific area(s) of a site within which the developed project may be constructed and within which the development activity shall be contained. The actual boundary of development area to be shown on a site plan shall be proposed by the applicant, and approved by the Planning Commission through site evaluations or site plan review, and shall be based on the environmental impact assessment. The development area shall be established in consideration of the practical needs of approved construction activity in terms of ingress and egress to the developed project and necessary staging and operational areas.

25 (c) The natural features protection area shall be established in areas of the site that will provide the following based upon data contained in the environmental impact assessment:

30 (1) Erosion prevention and control, including but not limited to protection of natural drainage channels and compliance with an approved stormwater drainage management plan.

35 (2) Preservation of significant native trees and other native site vegetation, including protection of natural area buffers zones.

(3) Stream corridor and wetland protection and buffering.

(4) Minimization of visual impacts, including but not limited to ridgeline protection areas.

(5) Conservation of natural surface hydrology, including but not limited to preservation of existing native vegetation, reduction in amounts of irrigated areas, and similar considerations.

5 (6) Preservation of site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, rock outcroppings, river and stream terraces, valley walls, geologic features, ridgelines, and scenic topographic features.

10 (7) Presence of floodplains and floodways.

(8) Maintaining continuity of wildlife movement corridors.

(9) Preservation of natural area buffer zones as delineated below.

15 (d) Nothing herein shall prohibit the inclusion of natural features protection areas within a portion of an individual lot, provided each lot hereafter created shall contain a buildable development area of sufficient area to allow for the establishment of a permitted use meeting all dimensional requirements of the underlying district without impacting the portion of the lot designated as a natural features protection area. The use of the PUD option contained in **Article 12** to place priority protection areas into common open space is encouraged.

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25 **Sec. 10-06 Development Standards and Guidelines**

30 (a) No construction activity, including, without limitation, grading, excavation, stockpiling of fill material, or storage of building equipment supplies or vehicles shall be permitted within the natural features protection areas except as provided for below:

(1) Minor disturbance to the natural features protection area, such as a road or utility crossing, may only be permitted by the Planning Commission under all of the following conditions:

35 a. There is a clear public need for the disturbance that outweighs the impact to the natural feature(s).

b. There is no other feasible and prudent alternative to the disturbance.

- c. The disturbance is the minimal necessary and is proposed at a location and in a manner that will have the least detriment to the natural feature(s).
- 5 d. That any necessary MDEQ permits are obtained.
- e. That measures are employed to control impacts, such as soil erosion and alterations to surface water hydrology.
- 10 f. Mitigation of disturbance is provided in accordance with section (b) below.

(2) Restoration of previously disturbed or degraded areas as a result of historic uses of the land. This could include the reestablishment of wetland areas that were drained for farming purposes, establishment of a woodland where native vegetation was removed or removal of invasive plant species to reestablish a natural habitat.

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(3) Emergency public safety activities and utility installations when such activities and installations cannot reasonably be contained to areas outside of those identified as significant.

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(4) Construction of trails or pedestrian walkways that will provide access in an environmentally appropriate manner.

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(5) The enhancement of the habitat values or other natural resource values of a natural area.

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(6) The decision of the Planning Commission under this Section may be appealed to the Zoning Board of Appeals under ***Article 22***.

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(b) **Mitigation of Disturbance.** While development is anticipated outside of natural features protection areas, any disturbance to natural features protection areas shall be limited to the extent permitted by the Planning Commission under section (a) above and the applicant shall undertake mitigation measures to restore any damaged or lost natural resource. Any such mitigation or restoration shall be two (2) times greater than the loss suffered because of the disturbance, and shall be based on a mitigation and restoration plan that provide the following:

(1) A written description of the mitigation program.

(2) Replacement calculations.

5 (3) Planting plan, showing the location of trees, shrubs, and ground cover and a plant list, including botanical and common names, caliper sizes, root type, and height. All plantings must consist of native vegetation.

10 (4) Timing schedule for the implementation of the mitigation measures.

(5) Monitoring plan that documents the establishment of plants and hydrology, as applicable, ensure long term maintenance of the mitigation. Annual reports shall be provided to the Township for three (3) years following installation of mitigation.

15 (c) **Natural Features Setbacks.** Setbacks shall be maintained from natural features protection areas. There shall be no structures placed within the natural features setback area. Natural vegetation shall be maintained in the natural features setback area, provided supplemental landscaping may be permitted to enhance the natural quality of the area. Such setbacks shall have a minimum width of one hundred (100) feet, provided the Planning Commission may reduce the width to no less than twenty-five (25) feet in consideration of the following criteria:

20 (1) Foreseeable impacts of development on the wildlife usage or ecological character or function of the natural area.

(2) Ecological and wildlife use characterization of the natural area.

25 (3) Existence of wildlife movement corridors.

(4) Extent of floodplains and floodways.

(5) Type, amount, and extent of existing vegetation on the site.

30 (6) Existence of special wildlife habitat features.

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(7) Character of the proposed development in terms of use, density, traffic generation, quality and quantity of runoff water, noise, lighting, and similar potential development impacts.

5 (8) Site topography, including but not limited to such characteristics as steepness of slopes, existing drainage features, ridgelines, and scenic topographic features.

10 (d) **Protective Fencing.** Prior to any development or site clearing, barrier fencing shall be installed at the limits of soil disturbance adjacent to natural features protection areas. Barrier fencing shall be a minimum of four (4) feet in height and shall remain in place in good condition until the Township authorizes the developer to remove the fencing. No filling, excavating, or storage of materials, debris, or equipment shall take place within the fenced area, except where permitted by the Planning Commission under subsection (a) above.

15 (e) **Connections.** If the development site contains natural features protection areas that connect to off-site areas of a similar nature, the development plan shall preserve these connections. Such connections shall be maintained to allow for the continuance of existing wildlife movement between natural areas and to enhance the opportunity for the establishment of new connections between areas for the movement of wildlife. Breaks or gaps in wildlife movement corridors should be minimized and when possible re-established using appropriate native vegetation.

20 (f) **Lakes, Ponds, and Streams.** If the development site contains a lake, pond, or stream, the development plan shall include enhancements and restoration as necessary to provide wildlife habitat and improve the aesthetic quality in areas of the shoreline. The development plan shall also include a design that addresses erosion control protection and shoreline landscaping on or adjacent to the lots or tracts.

25 (g) **Design and Aesthetics.** Projects located within the overlay district, shall be designed to complement the visual context of the natural area. Techniques including architectural design, site design, the use of native landscaping, and choice of colors and building materials shall be utilized in such manner that scenic views across or through the site are protected, and manmade facilities are screened from off-site observers and blend with the natural visual character of the area. Landscape plans for proposed developments shall

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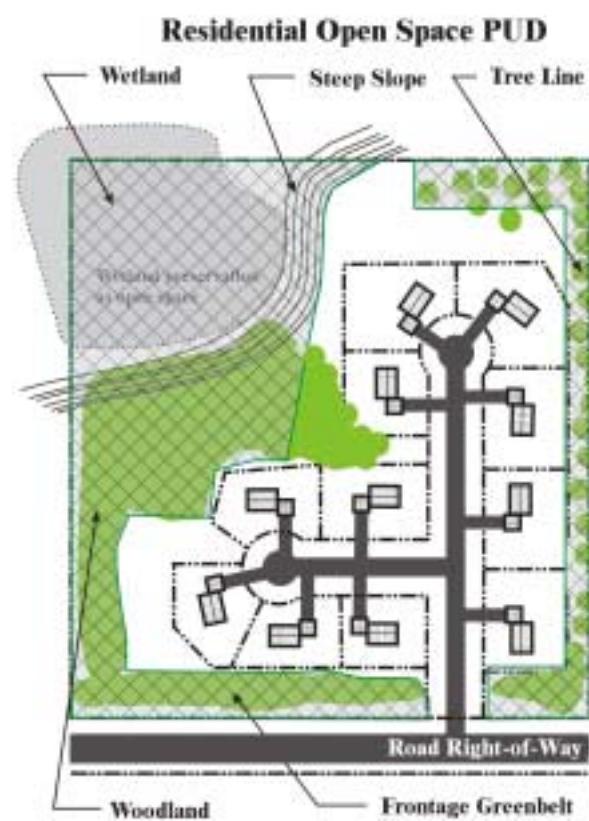
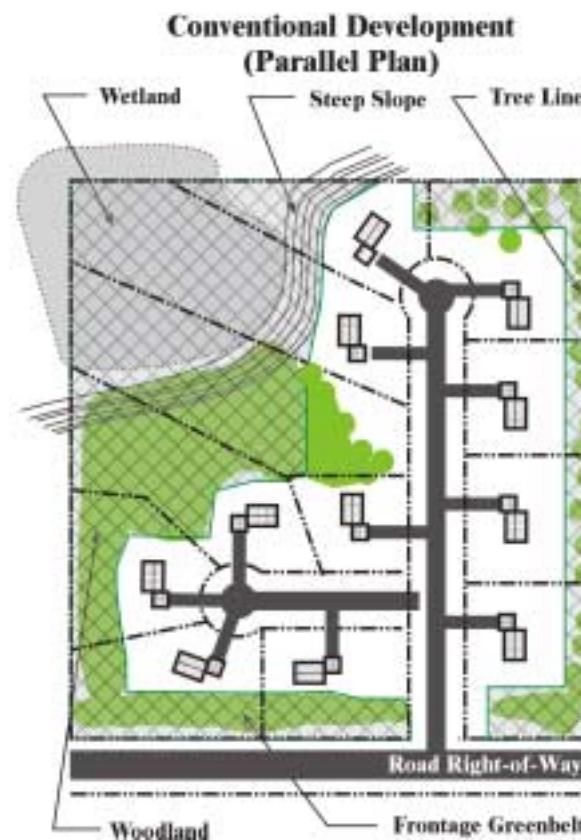
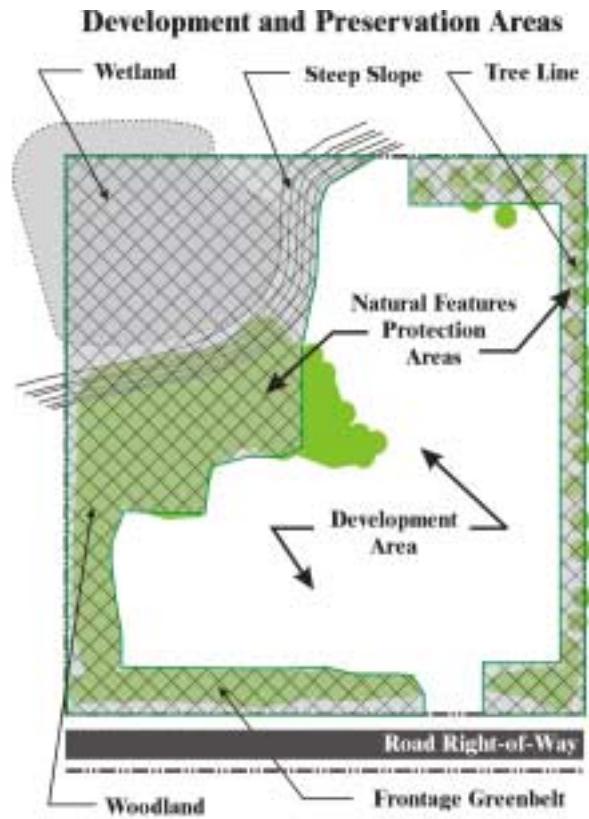
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5 incorporate native plant materials to create native landscapes. Signage may be incorporated to identify protected natural areas, wildlife movement corridors, buffer strips, and waterways. Signs must be designed to meet Township standards and be constructed of natural materials to be compatible with the rural character of the site.

10 (h) **Stormwater Drainage/Erosion Control.** All stormwater drainage and erosion control plans shall meet all generally accepted best management practices as reviewed and approved by the Township Engineer for design and construction. The Township may adopt specific engineering standards for stormwater management, which shall be complied with. Where feasible, nonstructural control techniques shall be utilized, including but not limited to:

15 a. Limitation of land disturbance and grading.
b. Maintenance of vegetated buffers and natural vegetation.
c. Minimization of impervious surfaces.
20 d. Use of terraces, contoured landscapes, runoff spreaders, grass, or rock-lined swales.
e. Use of infiltration devices.

Example Application of Natural Features Overlay District



CHARTER TOWNSHIP OF BRIGHTON ZONING ORDINANCE
