



PLANNING COMMISSION AGENDA

February 6, 2024 – 7:00 P.M.

LOCATION: City of Northville Municipal Building Council Chambers, 215 W. Main St., Northville MI 48167,
248-449-9902

- 1. CALL TO ORDER**
- 2. ROLL CALL**
- 3. APPROVE MINUTES** - January 16, 2024
- 4. AUDIENCE COMMENTS** (limited to brief presentations on matters not on the agenda)
- 5. REPORTS & CORRESPONDENCE**
 - A. City Administration
 - B. Planning Commissioners
 - C. Other Community/Governmental Liaisons
 - D. Correspondence
- 6. APPROVE AGENDA**

Consideration of agenda items generally will follow this order:

 - A. Introduction by Chair
 - B. Presentation by City Planner
 - C. Commission questions of City Planner
 - D. Presentation by Applicant (if any)
 - E. Commission questions of Applicant (if item has an applicant)
 - F. Public comment
 - G. Commission discussion & decision
- 7. PUBLIC HEARINGS**
- 8. SITE PLAN AND ZONING CHANGE APPLICATIONS**
- 9. OTHER PLANNING COMMISSION BUSINESS**
 - a. Tree Preservation Ordinance Amendments
- 10. ADJOURN** - *The next regularly scheduled meeting February 20, 2024*

The City of Northville will provide necessary, reasonable auxiliary aids and services, such as signers for the hearing impaired and audiotapes of printed materials being considered at the meeting to individuals with disabilities requiring such services. All requests must be made to the City Clerk at least five (5) business days before the meeting in writing or by phone, 215 W. Main Street, Northville, MI 48167 (248) 349.1300. Minutes of the meeting are available at the City Clerk's Office and online at www.ci.northville.mi.us

CITY OF NORTHVILLE
215 W. Main Street, Northville MI
Planning Commission Meeting Minutes
January 16, 2024
7:00 PM

1. CALL TO ORDER

Chair Tinberg called the meeting to order at 7:00pm.

2. ROLL CALL

Present: Thomas Barry
Paul DeBono
Jeff Gaines
David Hay
Steve Kirk
Carol Maise
William Salliotte
AnnaMaryLee Vollick
Donna Tinberg

Absent: None

Also present: City Planner Elmiger
Mayor Pro Tem Moroski-Browne

3. APPROVE MINUTES – January 6, 2024

MOTION by Barry, support by Hay, to approve the January 6, 2024 meeting minutes as submitted.

As she was not present at the January 6, 2024 meeting, Commissioner Vollick said she would abstain.

Motion passed by voice vote 6-0-1 (Vollick abstained).

4. AUDIENCE COMMENTS (limited to brief presentations on matters not on the agenda)

None.

5. REPORTS & CORRESPONDENCE

A. City Administration

Mayor Pro Tem Moroski-Browne

Due to the Martin Luther King holiday, the regular City Council meeting will be held on Thursday, January 18 at 7:00pm, with a special 2023-2025 strategic planning meeting at 5:30pm. Commissioners were encouraged to attend in person and/or

submit comments regarding the strategic plan, particularly regarding comments on potential upcoming ordinance amendments. How can the City Council help with ordinance amendments?

B. Planning Commissioners

Historic District Commission - Gaines

Next meeting is January 17, 2024.

Sustainability - Vollick

The January 22, 4:30pm meeting would be held on Zoom and not in the DDA conference room. ZOOM sign-on information will be posted on the City website.

Updates on large projects approved by the Planning Commission - Tinberg

On behalf of City Manager Lahanas, Chair Tinberg said Manager Lahanas is currently working with his internal team on a communication plan as well as construction management strategies relative to The Downs project. The communication plan will focus on all stakeholders; including City Council, relevant boards and commissions, and the community as a whole. Specific information regarding the communication plan will be made public in the future.

Board of Zoning Appeals - Tinberg

Next meeting is February 7, 2024, 7:00pm in Council chambers.

Revised Construction Standards – Barry/Discussion

Commissioners received a copy of the Revised Construction Standards for the City of Northville.

Mayor Pro Tem Moroski-Browne explained that the revised standards had been approved by City Council. Comments were always welcome, and amendments to the standards could be made if there was reason to do so.

C. Other Community/Governmental Liaisons

None.

D. Correspondence

As noted above, Commissioners had received via email a copy of the Revised Construction Standards.

6. APPROVE AGENDA

Consideration of agenda items generally will follow this order:

- A. Introduction by Chair
- B. Presentation by City Planner
- C. Commission questions of City Planner
- D. Presentation by Applicant (if any)
- E. Commission questions of Applicant (if item has an applicant)
- F. Public comment

G. Commission discussion & decision

MOTION by Vollick, support by Hay, to approve the agenda as submitted.

Motion passed unanimously by voice vote.

7. **PUBLIC HEARINGS**

None.

8. **SITE PLAN AND ZONING CHANGE APPLICATIONS**

A. 456 E. Cady (Foundry Flask) - Tree Removal Permit

Introduction by the Chair

Chair Tinberg introduced this request for a partial site tree removal permit at 456 E. Cady, due to DTE requirements for work that must be done on site. This request fell under the tree preservation ordinance and the general code. The tree preservation ordinance defined major tree removal activity associated with site plans as a major petition that requires Planning Commission approval. The ordinance does not require site plan review at the time of the proposed tree removal review, but does require the plan to illustrate clearing limits, as well as trees to be removed and trees to be retained.

The Planning Commission had granted a one year extension to December 21, 2023 for the final site plan on the project. Before that date the applicant was granted a demolition permit which is a component of a building permit and supersedes the time limits for a site plan. The demolition permit expires in March, 2024, and the previous site plan is active until the demolition permit expires. However, the applicant has decided to revise the project, and has attended a pre-application meeting with City staff to discuss the new project.

Presentation by City Planner

Referencing her January 11, 2024 memorandum, City Planner Elmiger gave the background and review for this request, highlighting the following:

- Since the demolition permit is based on the previously-approved site plan that the applicant does not intend to build, demolition of the building and other significant demolition cannot be done until the new project is approved.
- The current request was for permission to remove 18 trees in the vicinity of overhead power lines on the site, to allow DTE to perform work on the property. DTE has a window to do this work in early March, 2024.
- Planning Commission review and approval is required for a major petition associated with a site plan.
- The applicant had submitted the required information according to criteria in the tree preservation ordinance, including the first criteria of the tree preservation ordinance, which is to protect and preserve irreplaceable natural resources.

- Chris Nordstrom, CWA Landscape Architect, had evaluated the trees on site and identified whether the trees proposed for removal were alive or dead, the size of each, and the mitigation required by the ordinance.
 - A number of the species – including elm, spruce and ash – are identified as threatened by existing pests and diseases identified on site and are not expected to be long lasting or reach a significant size.
 - About half of the trees were volunteers that came up to the pavement, and appeared to be within the areas of disturbance for the new project.
- The more important and irreplaceable natural feature of the site is the Rouge River. Cleanup of the property will remove contaminated soils that could be leaching contaminants into the river. Tree removal will be required as part of this process.

Commission questions of City Planner

In response to questions, City Planner Elmiger said that DTE would not remove the trees without approval from the Planning Commission. The Commission needs to base its decision on the criteria in the ordinance, which called for a tree evaluation. This evaluation had been completed. Tonight's question was specific to the 18 trees highlighted in yellow on the site plan that were requested to be removed so DTE can work on site. In any event, the 18 trees and more will be removed under the new project.

In response to further questions, Mark Russell, PEA Group, 7927 Nemco Way, Brighton, explained that trees on the schedule that had lines struck through them were carried forward from the previous site plan.

Presentation by Applicant

Jim Long, 400 Fairbrook Ct., was present on behalf of this request for a tree removal permit for DTE work at 456 E. Cady. Mark Russell, PEA Group, was also present.

Mr. Long said that there was significant DTE work to be done on site, and DTE had given the applicant a window to complete the work at the beginning of March, 2024.

Mr. Russell provided the following information:

- The proposed tree removal was limited to 18 trees as highlighted on the drawing, so that DTE could work on the site in support of the new site plan which will come before the Commission. They did not know how DTE would enter the site, where the lay down areas would be, or whether telephone poles would be removed and replaced.
- The tree removal ordinance required 14 of the trees to be replaced, regardless of the health and viability of the trees. A landscape bond of \$5,980 would be posted by the applicant to ensure the trees would be replaced in due time, six months after the project was completed, weather permitting.
- The new conceptual site plan – included in tonight's packets – shows the location of the replacement trees.

- The new conceptual site plan did not change the parking or traffic circulation. It did propose two separate buildings with a plaza, instead of the single connected building of the original plan. One of the prospective tenants was a specialty market, who would be in one building. The second building will be an office building/retail/commercial use
- There would be design elements relative to the relocation of a city sewer line. Three additional trees would likely need to be removed, in addition to those trees approved for removal on the original site plan.
- The specialty market needed a recessed Truck Well, to be accessed off Cady Street.
- Again, the plans were conceptual at this point.

Mr. Russell asked the Commission to consider an alternative, such as a letter of credit, to requiring the full landscape bond at the present time, because the project would not be completed for two years.

Commission questions of applicant

In response to questions, the applicants provided the following further information:

- There was a substantial landscape buffer that would be retained between the property line and the residential property on the west side of the site, and evergreen plantings along the edge will meet ordinance requirements to buffer parking from public rights-of-way. Some existing trees will remain in the area, as well as – to the extent possible - trees along the Rouge River.
- As previously approved, the applicant will use combinations of evergreen and deciduous trees, and shrub material, to meet the tree replacement requirement.
- The applicant will be presenting to the Historic District Commission tomorrow night for façade approval for the office building.
- There were existing time limits due to funding agreements with EGLE (Michigan Department of Environment, Great Lakes, and Energy) and the City of Northville Brownfield Redevelopment Authority. The plan is to present a PUD to the Planning Commission in June 2024, with potential deviation requests relative to building height and parking. The applicants hoped to start construction before winter.

City Planner Elmiger noted that the tree preservation ordinance did allow different types of financial guarantees. The motion could include language that required the \$5,980 be put in an escrow account prior to getting a tree removal permit, or provide a financial instrument acceptable to the city attorney.

Commissioner Barry was concerned that the applicant was requesting an alternative to a small bond on a project of such a large size.

Public Comment

Chair Tinberg opened the meeting for public comment.

Greg Swanson, 542 Carpenter Street, asked questions specific to the site plan: How much closer will the building be to the street? How many of the trees along the river will be removed? Would this site be part of the River Rouge development plan? What would the rear of the buildings look like?

Chair Tinberg said Mr. Swanson had asked great questions that would, however, be better answered during site plan review.

Commission discussion and decision

Seeing that no other public indicated they wished to speak, Chair Tinberg closed public comment and brought the matter back to the Commission for discussion and/or a motion regarding the tree removal permit as requested this evening. Was there anything standing in the way of approving this permit?

Commissioner Kirk said he was not opposed to removing the trees, but emphasized that trees should be replaced on site to buffer properties to the south and west, instead of a contribution being made to the tree fund.

Chair Tinberg noted that the current proposal included a small number of trees (18), compared to the number of trees that would be considered for removal during site plan review.

Mr. Russell said the previous site plan consisted of 286" of trees removed, and noted that all of the removed trees had been replaced on site in the previous plan.

Commissioner Gaines was concerned that the new conceptual site plan was dictating tree removal. Cleanup of brownfield will necessitate more tree removal. He asked how the open space can be enhanced and made even more beautiful.

Commissioner Hay said the information from the applicant and the planning consultant was well written and provided good background for the request. He did not see anything standing in the way of this tree removal request. He asked that rooftop uses and the river walk be addressed during PUD/site plan review.

Commissioner DeBono supported the language in the draft motion. Ensuring tree replacement was kept on site could be addressed during site plan review.

After discussion, the following motion was offered:

MOTION by Hay, support by Maise, that based upon the information received from the applicant, and reflected in the minutes of this meeting, the Planning Commission finds that the proposal at 456 E. Cady St., dated December 2023, meets the required criteria for a Tree Removal Permit (Section 90-33) of the Tree Preservation Ordinance and approves the proposed tree removal as illustrated with yellow highlights on the submitted plans, with the following condition:

- **The applicant obtains a Tree Removal Permit from the Building Department, after depositing \$5,980.00 in escrow, or providing a financial instrument acceptable to the City Attorney, to ensure fourteen (14) 2.5-inch caliper**

replacement trees are planted on the subject site; or if determined through the subsequent site plan review process that replanting on the site is not possible, transferring the escrow funds to the City's Environmental Trust Fund for public purposes enumerated by the fund.

Roll call vote:

Barry	aye
DeBono	aye
Gaines	aye
Hay	aye
Kirk	aye
Maise	aye
Salliotte	aye
Vollick	aye
Tinberg	aye

Motion carried 9-0.

9. OTHER PLANNING COMMISSION BUSINESS

None.

10. ADJOURN – *The next regularly scheduled meeting is February 6, 2024*

MOTION by Vollick, support by Hay, to adjourn the meeting.

Motion passed by voice vote.

The meeting adjourned at approximately 7:50pm.

Respectfully submitted,
Cheryl McGuire, Recording Secretary



Carlisle | Wortman
ASSOCIATES, INC.

117 NORTH FIRST STREET SUITE 70 ANN ARBOR, MI 48104 734.662.2200 734.662.1935 FAX

MEMORANDUM

TO: City of Northville Planning Commission

FROM: Sally M. Elmiger, AICP

DATE: January 31, 2024

RE: Tree Preservation Ordinance – Draft Amendments

We have used the input from the Tree Preservation Ordinance subcommittee and the Planning Commission to draft proposed amendments to the Tree Preservation Ordinance. A summary of the proposed modifications includes the following, among others:

- 1) Provide more defensible purpose statement (i.e., environmental, economic, and social benefits of trees and their importance to the health, safety and welfare of the community).
- 2) Add new definitions used in the ordinance and revisions.
- 3) Clarify the process for obtaining a Tree Removal Permit.
- 4) Incentivize removal of invasive trees by exempting them from the permit process. Also, prohibiting the use of invasive trees as replacement trees.
- 5) Improve requirements for tree protection during construction.
- 6) Adding process to nominate “historic” trees.
- 7) Add list of recommended replacement trees and large shrubs.
- 8) Add list of prohibited invasive trees.

We look forward to discussing this information with you at the upcoming meeting.

CARLISLE/WORTMAN ASSOC., INC.

Sally M. Elmiger, AICP, LEED AP

Principal

Cc: George Lahanas
Mike Smith
Brent Strong

Benjamin R. Carlisle, *President* Douglas J. Lewan, *Executive Vice President* John L. Enos, *Vice President*
David Scurto, *Principal* Sally M. Elmiger, *Principal* R. Donald Wortman, *Principal*
Paul Montagno, *Principal*, Megan Masson-Minock, *Principal*, Laura Kreps, *Senior Associate*
Richard K. Carlisle, *Past President/Senior Principal*

Article II. – Tree Preservation

Sec. 90-31. - General provision.

The city finds that the spread of development and redevelopment of property, and increasing demands upon natural resources have had the effect of encroaching upon, despoiling, or eliminating many of the benefits that trees and other forms of vegetation and natural resources provide, and nature's ability to provide these benefits through natural processes associated therewith which, and if preserved and maintained in an undisturbed and natural condition, constitute important physical, aesthetic, recreation and economic assets to existing and future residents of the city. Specifically, the city finds that:

(a) Trees provide environmental benefits such as:

- Casting shade and acting as windbreaks, moderating local climates, and reducing the amount of volatile organic compounds (VOC's) emitted from asphalt and concrete exposed to summer sun and heat.
- Reducing noise levels
- Removing atmospheric pollutants, producing oxygen and absorbing carbon dioxide.
- Slowing and reducing the amount of stormwater runoff that reaches storm drains, rivers and lakes, and assisting in filtering that runoff of pollutants through their root zones.
- Stabilizing soils and providing habitat to wildlife.

(b) Trees provide economic benefits such as:

- Increasing residential property values and commercial property rental rates.
- Moderating temperatures in summer and winter, saving on heating and cooling expenses.
- Improving the aesthetics of business districts, resulting in a positive influence on consumers' perceptions, quality of products available, and consumer's willingness to pay more for those products.

(c) Trees provide social benefits such as:

- Creating safer streets by lowering traffic speeds.
- Reduction in crime compared to those areas without greenery.
- Improved health and reduced rates of asthma, and improved recovery rates of patients with a view of trees compared to no trees.

Therefore, for these reasons, the purpose of this article is to promote an increased quality of life through the regulation, maintenance and protection of trees, forests and other natural resources.

Sec. 90-32. - Definitions.

Words or terms defined in this article shall have the meanings as defined in this article. Any words or terms not defined in this article shall have the meanings normally ascribed to them, or as they are defined in other city ordinances.

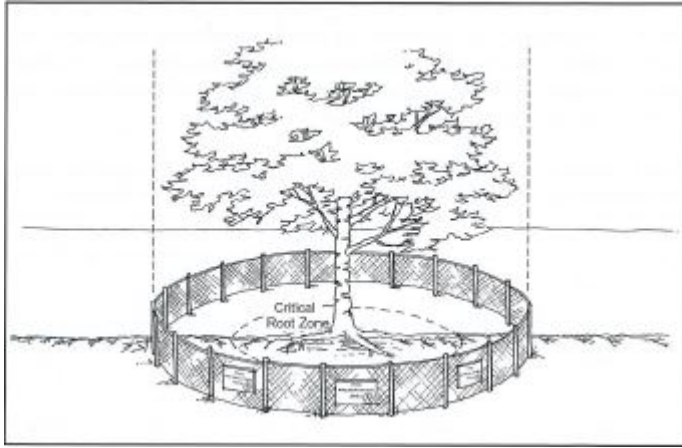
- (1) *Agriculture/farming/nursery* shall mean any land in which the principal use is to derive income from the growing of plants and trees, including but not limited to land used principally for fruit, tree farms, or nursery operations.
- (2) *American National Standards Institute (ANSI)* shall mean the most current version of A300, the industry consensus of performance standards for the care, pruning, and protection of trees.
- (23) *Caliper (cal.)* shall mean the diameter in inches in accordance with American Association of Nurserymen. This measurement technique is used in the nursery trade to determine the size of deciduous nursery stock. Evergreen nursery stock is measured in height from where the trunk meets the root ball to the midpoint between the upper-most whorl to the tip of the leader. Nursery stock is classified in size ranges (i.e. 2-2.5" caliper; 6-7' height), with the lower number the guaranteed size.
- (4) *Certified arborist* shall mean an arborist who is certified by the international Society of Arboriculture, who is in good standing having met all testing and requirements, and who performs all work to ANSI A300 standards.
- (45) *Clear cutting* shall mean the complete clearing, cutting or removal of trees and vegetation.
- (56) *Commercial nursery/tree farm* shall mean any commercial establishment which is licensed by the state or federal government for the planting, growing and sale of live trees, shrubs, plants and plant materials for gardening and landscaping purposes.
- (7) *Damaged tree* shall mean a tree that is injured so that it is not a viable tree or may cause harm. Any tree with greater than seventy-five (75) percent of its canopy intact shall be considered viable and healthy. This determination shall be made during the regular growing season.
- (8) *Dead tree* shall mean a tree having no more than zero (0) to fifteen (15) percent of the canopy with leaves. This determination shall be made during the regular growing season.
- (69) *Developed property* shall mean any land which is either currently used for residential, commercial, industrial, or agricultural purposes or is under construction of a new building, reconstruction of an existing building or improvement of a structure on a parcel or lot, the relocation of an existing building to another lot, or the improvement of open land for a new use.
- (710) *Diameter breast heights (DBH)* shall mean the diameter in inches of the tree measured at 4.5 feet above the existing grade. This measurement is used in the forestry industry to measure existing trees in a woodland or growing on a specific site.
- (811) *Drip line* shall mean an imaginary vertical line that extends downward from the outermost tips of the tree branches to the ground.

- (12) *Diseased tree* shall mean a tree that has been determined to have a terminal disease such as, but not limited to, Dutch Elm disease or Oak Wilt. Said disease must be confirmed by the Michigan State Cooperative Extension Service plant and Pest Diagnostic Clinic at Michigan State University or an equivalent laboratory.
- ~~(913)~~ *Emergency situations* shall mean situations where there is an imminent threat to public safety, health or welfare due to storm, wind, snow, ice, other natural causes or accident.
- ~~(1014)~~ *Environmental resources trust fund* shall mean a fund to be exclusively used for activities associated with the acquisition of woodland systems, land acquisition for reforestation, or planting of woodland systems and natural corridors.
- ~~(1115)~~ *Forest* shall mean any treed area of one-half acre or more, containing at least 28 trees with a DBH of six inches or more.
- ~~(1216)~~ *Grade* shall mean the ground elevation.
- ~~(1317)~~ *Grubbing* shall mean the effective removal of under canopy vegetation from a site or disturbance of the soil and removal of tree root material. This shall not include the removal of any trees.
- (18) *ISA* shall mean the International Society of Arboriculture.
- ~~(1519)~~ *Single-family lot* shall mean any piece of land under single ownership and control that is used for residential purposes.
- ~~(1620)~~ *Tree* shall mean any woody plant with at least one well-defined stem and having a minimum DBH of ~~six~~eight (8) inches.
- (21) *Tree, historic* shall mean a tree that meets the criteria for designation as a “historic tree” listed in Sec. 90-XX, and has been designated as such by the Planning Commission.
- (22) *Tree, invasive* shall mean a tree species that is native or non-native and likely to cause harm to local ecosystems by crowding out non-invasive native trees and other native plants, and thus reducing the diversity of the ecosystem, and as further defined in Sec. 90-33(b).
- (23) *Tree, landmark/heritage* tree shall mean any tree which stands apart from neighboring trees by size, form or species, as specified in the landmark/heritage tree list in section 90-34.
- (24) *Tree, native* shall mean a tree species that has naturally evolved in an area over thousands of years under certain soil, hydrologic, and other site conditions. Where “native” tree or plant is used in the text, this means a straight species or cultivar of a species native to Michigan, and not a cross between a native species and non-native invasive species.
- (25) *Tree, non-invasive* shall mean a tree species which spread is controlled in some manner and is not listed in this ordinance as an invasive tree.
- (26) *Tree, non-native* shall mean a tree species that has evolved in a country or region other than Michigan and has been introduced by human activity.

(27) Tree, protected shall mean any tree, or single stem of a multi-stemmed tree, that is eight (8) inches Diameter at Breast Height(DBH) or larger.

(28) Tree protection zone (TPZ) shall mean a circular area around a tree with a radius measured to the tree's longest dripline radius plus one (1) foot. **(NOTE TO PC: THIS IS CONSISTENT WITH ANSI A300 BEST MANAGEMENT PRACTICES.)**

Figure 1. Dripline Method of Establishing TPZ



Source: Managing Trees During Construction; ISA

OR

Tree protection zone (TPZ) shall mean an area determined by (1) measuring the diameter of the trunk at 4.5 feet above the surrounding grade; and (2) calculating the TPZ around the tree trunk or group of trees equal to one foot radius around the tree trunk for each one inch of trunk diameter. Example: A tree with a 10-inch diameter trunk will have a 10-foot TPZ radius. **(NOTE TO PC: THIS IS NOT CONSISTENT WITH ANSI A300 BEST MANAGEMENT PRACTICES; HOWEVER, THIS IS THE DESCRIPTION GIVEN ON NORTHVILLE'S BUILDING PERMIT.)**

~~(1729)~~ Undeveloped property shall mean any property in its natural state that is neither being used for residential, commercial, industrial or agricultural purposes or under construction.

Sec. 90-33. - Permit requirements, procedures, and standards and exemptions thereto. (NOTE TO PC: THIS SECTION HAS BEEN RE-WRITTEN TO CLARIFY HOW THE CURRENT ORDINANCE WORKS.)

- (a) *Permits required. The following activities require a tree removal permit from the Building Department before the activity may occur:*
- (1) The following activities are regulated by this ordinance, and are individually or collectively considered "tree removal" under this ordinance:
 - a. The removal or relocation of any tree with a DBH of ~~six~~-eight inches or greater on any property without first obtaining a tree removal permit, when required by this ordinance, shall be prohibited.
 - ~~(2)~~b. The removal, damage or destruction of any landmark/~~heritage~~ tree or historic tree without first obtaining a tree removal permit when required by this ordinance shall be prohibited.
 - ~~(3)~~c. The removal, damage or destruction of any tree located within a forest without first obtaining a tree removal permit when required by this ordinance is prohibited.
 - ~~(4)~~d. The clear cutting or grubbing within the drip line of a forest without first obtaining a tree removal permit when required by this ordinance is prohibited.
 - (2) Permit procedures. Application and issuance of a tree removal permit follows this procedure:
 - a. Before any tree is removed, the applicant shall complete an application form available from the city building department and submit it, and supporting documents to the building department.
 - b. The building department will send the application and supporting materials to the city's designated professional arborist, landscape architect, or other designated professional (tree expert) with documented expertise in tree species identification and health/condition evaluation.
 - c. The city's tree expert will visit the site and evaluate the tree(s) proposed for removal. Using this evaluation and the requirements in this Article, the expert will prepare a memo describing the results of the site visit, including the tree species and health, whether the removal requires issuance of a permit, and if so, the mitigation requirements and bond amount required before the permit can be issued. This analysis is sent to the applicant.
 - d. If no permit is required, the report will instruct the applicant that tree removal may proceed. If a permit, and resulting mitigation and bond, are required, the report will instruct the applicant to submit a planting plan (if not already provided), and if the plan meets ordinance requirements, to deposit the bond amount with the building department. Once these steps are complete, a tree removal permit will be issued, and tree removal may proceed.
 - e. If a permit had been issued that requires planting of replacement trees, the applicant will inform the building department once installation of the replacement trees has been completed. The city's tree expert will visit the site and confirm the installed plants meet the approved planting plan. Once confirmed, this will be conveyed to the building department, who will refund the bond to the applicant.
 - f. As an alternative to steps b through e, the applicant may submit, with a completed tree removal permit application, a signed tree health/condition report from a certified arborist indicating that the tree proposed for removal meets the standards under this ordinance of a "dead," "damaged" or "diseased" tree that should be removed. The report shall include the arborist's certification number. The city will visit the site to confirm the size of the tree, and if the results are consistent with the information in the application, determine that such tree is exempt from the permit and mitigation requirement, per subsection 90-33(b) below.

- (3) Minor tree removal activities. Tree removal is considered minor if the tree removal is proposed on a lot recorded after January 1, 1996, and the following conditions are present:
- a. If there is an established single-family or two-family dwelling, and:
 - i. The property owner is proposing new construction on the lot, either to redevelop the lot or construct a building addition or accessory structure on the lot, and engage in tree removal as described in (1)a through (1)d above, or
 - ii. The property owner is not proposing new construction on the site, and is proposing to only remove a landmark/heritage or historic tree. If the tree proposed for removal is less than eight inches DBH, or is not a historic tree, and the applicant is not proposing any clear cutting or grubbing as described above, this tree removal does not require a tree removal permit; however, before an exempt tree may be removed, the property owner must apply for a tree removal permit, per subsection 90-33(a)(2) above.
 - b. If the lot is vacant and zoned for First Density Residential District (R-1A or R-1B), and the property owner is proposing tree removal as described in (1)a through (1)d above.
 - c. If the site's development was previously approved under a site plan, subdivision plan, or condominium plan, and trees that were required as part of final site plan are proposed to be replaced, per Sec. 19.11, *Deviations from Approval Final Site Plans*.
 - d. If any minor tree removal as described in (2)a, (2)b, or (2)c above is proposed, the property owner shall not remove, damage or destroy any tree, including clear cutting and grubbing, without first obtaining a tree removal permit that is reviewed and approved by the building department.
- (4) Major tree removal activities. Tree removal is considered major for any proposed tree removal described in (1)a through (1)d above on:
- a. Any property that, in order to be developed, would require a site plan, a subdivision plan, a condominium plan or a lot split that is recorded after January 1, 1996. In these situations, the proposed tree removal shall be reviewed and approved by the Planning Commission. Planning Commission review and approval of a tree removal permit is required, whether approved concurrently with or independently from the land development procedures listed above before tree removal may proceed. Sec. 19.05 of the Zoning Ordinance requires compliance with Chapter 90 Article II, *Tree Preservation*, in conjunction with site plan review procedures.
 - b. Any property that was developed according to a site plan, subdivision plan, condominium plan, or lot split, and trees that were planted as required in the approved development plan are proposed for removal (without replacement). Their removal shall not be conducted without a tree removal permit reviewed and approved by the Planning Commission.
- (b) Permit exemptions. This ordinance exempts certain tree removal activities from the tree removal permit requirements. However, before an exempt tree may be removed, the property owner must apply for a tree removal permit, which will trigger a site visit by City Staff to confirm the exempt status of the tree proposed for removal. Once the confirmation has been made by City Staff, staff will notify the property owner in writing of the exempt status of the tree proposed for removal, and that the tree removal may proceed. The following are exempt from the provisions of this section:
- (1) Any tree less than ~~six~~ eight inches DBH, unless within a forest as part of clearing or grubbing activities.
 - (2) Any tree, regardless of size and location, which is listed as an invasive tree under subsection 90-XX(X)(X).
 - ~~(2) Tree removal activities on recorded lots, less than 15,000 square feet, or any size lot recorded after January 1, 1996, on which there are established single-family or two-family dwellings.~~

- ~~This exemption shall not apply to the removal of landmark trees listed in section 90-34 which shall be regulated by the provisions of this article.~~
- (32) All agricultural/farming operations and commercial nursery/tree farm operations.
 - (43) Public utility or city department of public works operations for tree removal during emergency situations or within 48 hours after emergency situations, when it is necessary to expedite the removal of damaged, destroyed or hazardous trees in the interest of public safety, health, and general welfare.
 - (54) ~~Dead or, diseased, or damaged trees, for which it is as~~ determined by the building department ~~to have a health condition factor less than 16 as determined under the standards established in subsection 90-34(b)(2), in consideration of information, provided by the applicant, of laboratory results for disease and/or a written and signed health/condition assessment by a certified arborist.~~ The building department shall also have the authority to order the removal of dead ~~or, diseased, or damaged~~ trees which are considered to be hazardous or in danger of falling on persons or property and are deemed to be a public safety hazard.
 - (65) ~~Trees within the city right-of-way, or within public utility easements, or on other public land when conducted by city staff or their designees.~~
- (c) *Permit display.* Tree removal permits shall be displayed prior to tree removal and until final inspection by the building inspector.
- (d) *Minor petition requirements.* The building department shall review applications for minor ~~permit applications for projects not requiring planning commission review~~ tree removal as ~~described defined~~ in subsection (ea). ~~Minor Applications for minor applications tree removal~~ shall include the following:
- (1) The name, address and telephone number of the owner and or occupant of the land on which the tree is located.
 - (2) A legal description, lot number and/or address of the property on which the tree ~~in is~~ located.
 - (3) Description of the tree removal activity using one or more of the following techniques:
 - Written description of removal activity;
 - Sketch plan showing tree(s) to be removed;
 - Photograph of tree(s) to be removed.
 - (4) A statement indicating why the applicant wishes to remove tree(s). If the reason(s) include poor health or condition of the subject tree, the application materials shall include a written and signed statement by a certified arborist describing the tree's poor health/condition issues.
 - (5) If construction is proposed, illustrations and statements showing and describing how trees to remain are to be protected during land clearance, construction and on a permanent basis. Techniques shall include, but not be limited to, the tree protection zone accurately drawn to scale around each tree to remain, installation of tree protective fencing at the edge of the tree protection zone, proposed locations for directional boring or hand excavating, and proposed use of permanent tree protective measures such as tree wells, retaining walls, and other techniques. Plans shall include the statement: "No disturbance to existing vegetation or soils shall occur within the tree protection fencing around plant material intended to be saved. In addition, parking or the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree or protected vegetation shall be prohibited within the tree protection fencing surrounding any plant material intended to be saved."
 - (5) Signature of property owner.

- (e) *Major petition requirements.* Major tree removal activities shall be reviewed by the planning commission for tree removal associated with site plans, subdivision, condominiums and lot splits recorded after January 1, 1996. The application shall contain the following information:
- (1) The name, address, telephone number of the owner or agent for the land on which the tree is located.
 - (2) A legal description, lot number, and/or address of the property on which the tree(s) is located.
 - (3) A tree location survey which shall be in a form acceptable to the building department and shall bear the following information and details:
 - a. Minimum scale of one inch equals 50 feet. The scale shall be the same as the site plans, subdivision plans, condominium plans, or lot split plans if concurrently submitted for development review.
 - b. The shape and dimensions of the lot or parcel, together with the existing and proposed locations of structures and improvements, including existing and proposed utilities.
 - c. Locations and dimensions of all setbacks and existing or proposed easements.
 - d. All trees shall be tagged in the field with identifying numbers, using noncorrosive metal tags.
 - e. Spot elevations at base of all regulated trees.
 - f. Locations of all existing trees ~~six~~eight-inch DBH or more, including off-site trees within 25 feet of the property lines, and all trees to be affected by the development such as trees located within areas of right-of-way improvements or off-site utility work. All such trees proposed to remain, to be relocated or to be removed shall be so designated. Clearing limits shall be clearly shown on the submitted plan. The survey shall be accompanied by a separate key-listing identifying the numbered trees by size, botanical name, common name, and health/condition. The existing and proposed grade at the base of each tree shall be indicated on the tree location survey.
 - g. Tree location surveys are to be performed by actual field survey by a registered land surveyor and verified on site by a registered landscape architect, certified arborist or forester. Both professionals must verify the contents by seal or signature, whichever applies.
 - h. If existing trees are to be relocated, the proposed location for such trees, together with a statement as to how such trees are to be protected and/or stored during land clearance and construction and how they are to be maintained after construction.
 - i. ~~A statement~~Illustrations and statements showing and describing how trees to remain are to be protected during land clearance, construction and on a permanent basis. Techniques shall include, but not be limited to, the tree protection zone accurately drawn to scale around each tree to remain, installation of tree protective fencing at the edge of the tree protection zone, proposed locations for directional boring or hand excavating, and proposed use of permanent tree protective measures such as tree wells, protective barriers, tunneling or retaining walls, and other techniques. Plans shall include the statement: "No disturbance to existing vegetation or soils shall occur within the tree protection fencing around plant material intended to be saved. In addition, parking or the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree or protected vegetation shall be prohibited within the tree protection fencing surrounding any plant material intended to be saved."
 - j. Plan note describing the number of trees to be removed which is eight-inch DBH or more.
 - k. The requirements for a tree location survey may be waived by the building department ~~or~~ planning commission for areas 25 feet or more outside the construction zone. If waived, a statement indicating predominate species and estimated number and size of

- existing trees in this area will be required. The area to remain undisturbed shall be protected with a protective barrier as indicated in [section 90-35](#).
- l. A description and on-site location of soil types and soil characteristics.
 - m. Tree replacement plans in accordance with [section 90-36](#) if ~~necessary~~required.
- (4) An on-site examination may be made by the building department in lieu of the tree location survey under any of the following conditions:
- a. Where a permit is required to remove or relocate trees on occupied single-family lots, within the R-1A and R-1B zoning districts.
 - b. Where a permit is required to remove fewer than six trees.
- (f) *Review procedures.* The building department, planning consultant, and planning commission shall review the application for tree removal permit and may impose such conditions on the manner and extent of the proposed activity as necessary to ensure that the activity or use will be conducted in such a manner as will cause the least possible damage, encroachment or interference with natural resources and natural processes within the affected area.

For development projects requiring review by the planning commission, including site plans, subdivisions, condominiums and lot splits, the building department shall refer the tree removal permit application to the planning commission for review. The planning commission shall recommend approval, approval with conditions or denial to the building department.

- (g) *Review standards.* The following standards shall be used to review ~~the-a permit~~ application for minor and major tree removal ~~permit~~:
- (1) The protection and conservation of irreplaceable natural resources from pollution, impairment or destruction is of paramount concern. The preservation of landmark/heritage and historic trees, forests, trees, similar woody vegetation and related natural resources shall have priority over development when there are other on-site location alternatives.
 - (2) The tree(s) and surrounding area shall be evaluated for the quality of the subject area by considering the following:
 - a. Soil quality as it relates to potential tree disruption.
 - b. Habitat quality.
 - c. Tree species (including diversity of tree species).
 - d. Tree size and density.
 - e. Health and vigor of tree stand.
 - f. Understory or juvenile tree species and quality.
 - g. General character of surrounding vegetation.
 - h. Aesthetic qualities.
 - i. Buffering characteristics from noise, lights, etc.
 - j. Other factors such as value of the trees as an environmental asset (i.e. cooling effect, reduction of erosion etc.).
 - (3) The removal or relocation of trees within the affected areas shall be limited to instances:
 - a. Where necessary for the location of a structure or site improvement and when no reasonable or prudent alternative location for such structure or improvement can be had without causing undue hardship. If it is determined that no feasible or prudent alternative is available, an applicant will be responsible ~~to secure~~for securing a tree removal permit in addition to being responsible for tree replacement or mitigation, as required.
 - b. Where the tree is dead, diseased, injured and in danger of falling too close to proposed or existing structures, or interferes with existing utility service, interferes with safe vision clearances or conflicts with other ordinances or regulations.

- c. Where removal or relocation of the tree is consistent with good forestry practices or if it will enhance the health of remaining trees.
- (4) The burden of ~~demonstration~~demonstrating that no feasible or prudent alternative location or improvement without undue hardship shall be upon the applicant.
- (h) *Appeal.* Appeal of denial of a tree removal permit shall be brought before the board of zoning appeals (BZA) who shall have authority to approve, reverse or modify such determination based upon the facts set forth in this article. Appeal shall be made within 21 days of the denial of the tree removal permit by the building department.

Sec. 90-34. - Landmark/heritage trees and historic trees.

- (a) The following is a list of landmark/heritage trees according to common name, species and DBH which are protected under this section:

Common Name	Species	Diameter at Breast Height (DBH)
Arborvitae	<i>Thuja occidentalis</i>	18"
<u>Ash</u>	<u><i>Fraxinus spp.</i>*</u>	<u>18"</u>
Basswood (American Linden)	<i>Tilia americana</i>	24"
Beech, American	<i>Fagus grandifolia</i>	18"
Birch	<i>Betula spp.</i>	18"
<u>Black alder</u>	<u><i>Alnus glutinosa</i>**</u>	<u>12"</u>
Black tupelo	<i>Nyssa sylvatica</i>	12"
Buckeye (Horse chestnut)	<i>Aesculus spp.</i> **	18"
<u>Catalpa</u>	<u><i>Catalpa speciosa</i>**</u>	<u>XX"</u>
Chestnut, American	<i>Castanea dentata</i>	8"
<u>Elm, American</u>	<u><i>Ulmus americana</i>*</u>	<u>18"</u>
Cedar, red	<i>Juniperus spp.</i>	12"
Crabapple (cultivar)	<i>Malus spp.</i>	12"
Douglas fir	<i>Pseudotsuga menziesii</i>	18"
Eastern hemlock	<i>Tsuga canadensis</i>	12"
Eastern Larch/tamarack	<i>Larix laricina</i>	12"
Flowering dogwood	<i>Cornus florida</i>	8"
Ginkgo	<i>Ginkgo biloba</i>	18"
Hickory	<i>Carya spp.</i>	18"
Honeylocust	<i>Gleditsia triacanthos f. inermis</i>	24"
Kentucky coffeetree	<i>Gymnocladus dioica</i>	18"
Maple	<i>Acer spp. (except ginnala, negundo, and platanoides)</i>	18"
Oak	<i>Quercus spp.</i>	20"
Pine	<i>Pinus spp.</i>	18"
Sassafras	<i>Sassafras albidum</i>	15"
Spruce	<i>Picea spp.</i>	18"
Sycamore, American or London Planetree	<i>Platanus spp.</i>	18"
Tuliptree	<i>Liriodendron tulipifera</i>	18"
Walnut, Black	<i>Juglans nigra</i>	20"
Walnut, White/Butternut	<i>Juglans cinerea</i>	20"
Wild cherry	<i>Prunus spp.</i>	18"

***NOTE TO PC: RECOMMEND NOT INCLUDING THESE SPECIES IN LIST, AS THEY WILL MOST LIKELY DIE FROM EMERALD ASH BORER OR DUTCH ELM DISEASE ANYWAY.**

****NOTE TO PC: THESE TREE SPECIES ARE CONSIDERED INVASIVE IN MICHIGAN BY THE WOODY INVASIVES OF THE GREAT LAKES COLLABORATIVE (IN DAVEY INVENTORY) AND/OR NRCS.**

- (b) Tree health/condition standard. If the application materials indicate that poor health or condition of the tree is the reason for removal, the applicant shall provide a written assessment of the tree's health and condition prepared and signed by a certified arborist. This assessment shall be submitted to the building department with the tree removal permit application materials.

~~The building department shall be responsible for determining the health/condition standard for trees under this section.~~

- ~~(1) The applicant shall submit an inventory of trees together with a report on the health and condition of trees.~~
- ~~(2) By field inspection of trees, the department shall evaluate the trunk condition, growth rate, structure, insects and diseases, crown development and life expectancy. From the evaluation the department shall determine a point value which describes the trees health/condition.~~
- ~~(3) Any listed landmark tree or any 24-inch or greater DBH tree with a score of 16 or higher is protected under this section.~~
- ~~(4) The means by which the department calculated the tree's health/condition is listed as follows:~~

Factor	Value			Ranking
	5 or 4	3 or 2	1	
Condition				
Trunk	Sound and solid	Sections of bark missing	Extensive damage and hollow	
Growth/Rate	More than six-inch twig elongation	Two to six-inch twig elongation	Less than two-inch twig elongation	
Structures	Sound	One major or several minor limbs dead or significant defects	Two or more major limbs dead or significant defects	
Insects/Diseases	No pests present	One pest present	Two or more pests present	
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown	
Life Expectancy	Over 30 years	Fifteen to 20 years	Less than five (5) years	
			Total:	

(c) Historic Trees.

- (1) Nomination. A person may nominate a Tree within the city for designation as a Historic Tree based upon its age, type, size, or historical association. Such a nomination shall be made on the form provided by the planning department.

- (2) Planning commission consideration. A nomination for designation of a historic tree shall be brought for consideration by the planning commission. Where the nomination is not made by the owner of the property where the Tree is located, the owner shall be notified in writing at least 15 days in advance of the time, date, and place that the planning commission will consider the designation. The notice shall advise the owner that the designation of the tree as a Historic Tree will make it unlawful to remove, damage or destroy the Tree, except as permitted herein. The notice shall further advise the owner that if he/she objects to the Tree designation the planning commission shall not designate the Tree. If the tree proposed for Historic designation considered protected or a landmark/heritage tree and regulated by this section, the tree shall not be removed, damaged or destroyed, except as permitted herein.
- (3) Historic Tree criteria. Absent objection by the owner, the planning commission may designate a Tree as a Historic Tree upon finding that because one or more of the following characteristics the Tree should be preserved as a Historic Tree:
- a. The Tree is associated with a notable person or historic figure;
 - b. The Tree is associated with the history or development of the nation, the state or the city;
 - c. The Tree is associated with an eminent educator or education institution;
 - d. The Tree is associated with art, literature, law, music, science or cultural life;
 - e. The Tree is associated with early forestry or conservation; or
 - f. The Tree is associated with American Indian history, legend, or lore.
- (4) Any Tree designated by the planning commission as Historic shall be depicted on the city's potential natural areas map. **(NOTE TO PC: THE CITY DOESN'T CURRENTLY HAVE A POTENTIAL NATURAL AREAS MAP. THIS MAP WOULD NEED TO BE CREATED.)**

Sec. 90-35. - Protective barriers.

- (a) ~~{Requirements for land clearing.}~~ Prior to the land clearing stage of development, if any, and before a tree permit will be issued, the owner, developer or agent shall do the following:
- (1) All trees for which application is being made for removal shall be so identified on site by fluorescent orange spray paint (chalk base) or by ~~red~~-flagging tape prior to field inspection by the department.
 - (2) Keep clear all debris or fill, equipment and material from within the required protective barrier.
 - (3) Before issuance of a building permit or other permit to allow development site preparation including, land clearing, filling, or any land alteration for which a tree removal permit is required, the applicant shall establish-install and maintain tree protection fencing protective barriers at the edge of the critical root zone/tree protection zone to protect ~~remaining~~ trees proposed to remain. Tree protection fencing shall be constructed per the city's standard detail entitled Tree Protection Fencing. (ADD PROPOSED DETAIL THAT INCLUDES LANGUAGE FOR SIGNAGE STATING "TREE PROTECTION AREA – ENTRY/STORAGE OF EQUIPMENT OR MATERIALS PROHIBITED WITHOUT PRIOR AUTHORIZATION FROM THE CITY (include builder contact information) Wood, metal, or construction fencing shall be utilized during construction to protect existing trees.
 - (4) During construction, the owner, developer or agent shall not cause or permit any construction activity within the tree protection zone of any protected tree or group of trees, including but not limited to, the storage of equipment, dumpsters, boulders, dirt and excavated material, building or waste material or any other material harmful to the life of a tree or protected vegetation. Protective barriers shall be properly maintained and remain in place until the city authorizes their removal or issues a final certificate of occupancy, whichever occurs first.
- (b) ~~{Certain attachments restricted.}~~ No damaging attachment, wires (other than cable wires used to stabilize for trees branches), signs or permits may be fastened to any tree protected by this section.
- (c) ~~{Periodic inspections.}~~ The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this article.
- (d) ~~{Bonding, financial security requirements.}~~ Applicant may be subject to bonding or financial security requirements in accordance with section 19.06 of the city's zoning ordinance and section 90-42.
- (e) Damage to plantings. This section applies to trees identified to remain on the subject site, and existing trees outside of the subject site and on adjacent sites (both public and private) that are either damaged or illegally removed by the permit holder or his agent. The permit holder shall be held liable for any damage or illegal removal of any tree perpetrated by their agent, including tree care services, landscape contractors, or others acting as an agent of the permit holder. Damaged trees or illegally removed trees shall be repaired or replaced as directed by the building official.
- (1) Repair work to damaged trees, where feasible, shall be executed as soon as possible by a competent firm, or tree surgeons-surgeon, or certified arborist approved by the building official and in a manner approved by the building official at the expense of the applicant or permit holder.
 - (1)a. The building official shall evaluate such damage and shall apply proportional amounts and penalty fees up to 100 percent of calculated value, regardless of the disposition of the particular specimen. Penalties and civil fines shall also be subject to a schedule as established by the city council for violations of the ordinances specified in this section, which schedule shall provide for a fine if paid within ten days of a violation notice, and a

~~higher fine if paid after ten days.~~ Payment of the specified fine for any violation included in the schedule of fines shall be paid to the building department within 30 days of the building official's determination of penalty fees, and shall constitute settlement of the violation notice by the party receiving the notice.

- ~~(2)~~b. Where partial damage occurs, ~~applicant~~the permit holder, or property owner if tree is owned by someone other than the permit holder, may choose to make repairs and retain the specimen. The building official will evaluate such damage, and will set proportional ~~amounts~~penalty fees, up to 100 percent of the calculated replacement value regardless of the disposition of the particular specimen. A schedule of replacement values shall also be established by city council.
- c. In addition to any penalty fees determined by the building official, if a damaged tree cannot be repaired to a healthy state, the permit holder shall remove and replace the tree per the replacement schedule in subsection 90-36. If the subject tree is owned by someone other than the permit holder, removal and replacement of the subject tree shall be completed to the reasonable satisfaction of the tree owner as determined by the building official, in compliance with all other applicable ordinance provisions.
- (2) Replacement trees shall be installed as soon as possible by a competent landscape contractor approved by the building official and in a manner approved by the building official at the expense of the applicant or permit holder.

NOTE TO PC: CURRENT FEE SCHEDULE LISTS THE FOLLOWING PENALTIES:

- **Trees 6" – 11" DBH damaged/illegally removed** **\$250/inch**
- **Trees 11.1 – 20" DBH damaged/illegally removed** **\$310/inch**
- **Trees greater than 20" DBH damaged/illegally removed** **\$440/inch**

Sec. 90-36. - Relocation or replacement of trees and exemptions thereto.

- (a) ~~{Replacement trees.}~~ As a condition of granting a tree permit, the applicant will be required to replace trees being removed having ~~six~~eight inches or more DBH.
- (1) Replacement of landmark/heritage and historic trees. Where landmark/~~heritage or historic~~ trees are permitted to be removed, replacement trees shall be provided, unless exempt from mitigation by this ordinance. Replacement trees shall be provided to a minimum of ~~50~~100 percent of DBH of the tree to be removed. Replacement trees, measured in calipers, shall be provided either individually or on an accumulative basis to meet the ~~50-100~~ percent DBH requirement. For example, if a 25-inch DBH landmark tree is removed, mitigation shall require planting a minimum of 25 caliper inches in replacement trees, or 10, 2.5-inch caliper trees.
- (2) For non-landmark trees, the permit grantee shall either relocate trees or replace trees subject to the following requirements: **(NOTE TO PC: THE DAVEY TREE INVENTORY SUGGESTED THAT NORTHVILLE CONSIDER REQUIRING 100% DBH REPLACEMENT OF ALL PROTECTED TREES. CURRENTLY, THE SCHEDULE BELOW REPLACES 23% - 45% OF REMOVED TREES.)**

REPLACEMENT/MITIGATION REQUIREMENTS FOR NONLANDMARK TREES	
Size of Removed Tree DBH (each)	Total Inches of Replacement for Each Tree Removed
6"—11" DBH	2½" of caliper for replacement
11.1"—20" DBH	5" of caliper for replacement
Greater than 20" DBH	7½" of caliper for replacement

- (3) All replacement trees shall measure a minimum two-~~and one-half~~inch caliper to a maximum three-inch caliper for deciduous trees, and shall be a minimum of eight-six feet ~~high-tall~~ for multi-stemmed ornamental deciduous trees and evergreen trees, or greater. For purposes of meeting the mitigation requirements, each two feet of height of evergreen trees over ~~eight-six~~ feet in height shall be considered equal to one-half inch of caliper of deciduous trees.

Replacement trees shall be planted on the same site as the removed trees. Where it is not feasible and/or desirable to replace or relocate trees on site, according to the above listed schedule, the building department or the planning commission, as applicable, may allow/require the following alternatives:

- a. require Planting a greater size for replacement trees, up to the maximum size permitted;
- b. Planting of two ornamental understory trees per every one required replacement tree, or planting large shrubs species that will reach 20-feet tall ~~for-in place of~~ trees at a ratio of no less than six shrubs per required replacement tree.

- c. Planting require-replacement trees at another location on public property in the city. If the alternative location is within a public street right-of-way, any planting shall require review and approval by the city's arborist of the proposed location, existing planting conditions, and proposed tree species; review and approval of the location by the department of public works director; and warrantee of the replacement tree for five years, within that timeframe the permit holder shall replant the tree if it dies; (NOTE TO PC: THE PARAMETERS ABOVE WERE PROVIDED BY THE DPW DIRECTOR. WE WOULD NOT RECOMMEND THE OPTION TO PLANT A TREE IN THE RIGHT-OF-WAY OR ON PUBLIC PROPERTY. IT WOULD REQUIRE THE CITY TO KEEP TRACK OF THESE TREES IN CASE ONE DIES. AND, IF A TREE IS PLANTED IN A PUBLIC LOCATION AWAY FROM THE PERMIT HOLDERS' SITE, IT WILL NOT BE CONDUSIVE TO EASY CARE OF THE TREE DURING THE ESTABLISHMENT PERIOD.) or
- d. require-The permit holder to make a contributions to the city's environmental resources trust fund.
- (4) Replacement trees should be of similar characteristics as the trees to be removed. Replacement species shall be reviewed by the building department or planning commission to determine compatibility and similar characteristics of plant material removed. Recommended replacement trees, ornamental trees, and large shrubs include the following:

<u>Common Name*</u>	<u>Botanical Name</u>
<u>DECIDUOUS SHADE TREES</u>	
<u>Bitternut Hickory</u>	<u><i>Carya cordiformis</i></u>
<u>Shagbark Hickory</u>	<u><i>Carya ovata</i></u>
<u>Northern Hackberry</u>	<u><i>Celtis occidentalis</i></u>
<u>American Beech</u>	<u><i>Fagus grandifolia</i></u>
<u>Thornless Honeylocust</u>	<u><i>Gleditsia triacanthos inermis</i></u>
<u>Kentucky Coffeetree</u>	<u><i>Gymnocladus dioica</i></u>
<u>Walnut</u>	<u><i>Juglans nigra or cinerea</i></u>
<u>Tuliptree</u>	<u><i>Liriodendron tulipifera</i></u>
<u>Tupelo</u>	<u><i>Nyssa sylvatica</i></u>
<u>American Sycamore</u>	<u><i>Platanus occidentalis</i></u>
<u>Wild Black Cherry</u>	<u><i>Prunus serotina</i></u>
<u>White Oak</u>	<u><i>Quercus alba</i></u>
<u>Swamp White Oak</u>	<u><i>Quercus bicolor</i></u>
<u>Scarlet Oak</u>	<u><i>Quercus coccinea</i></u>
<u>Bur Oak</u>	<u><i>Quercus macrocarpa</i></u>
<u>Black Oak</u>	<u><i>Quercus velutina</i></u>
<u>American Basswood</u>	<u><i>Tilia americana</i></u>
<u>EVERGREEN/CONIFEROUS TREES</u>	
<u>Eastern Larch</u>	<u><i>Larix laricina</i></u>
<u>White Spruce</u>	<u><i>Picea glauca</i></u>
<u>Black Spruce</u>	<u><i>Picea mariana</i></u>
<u>Red Pine</u>	<u><i>Pinus resinosa</i></u>
<u>White pine</u>	<u><i>Pinus strobus</i></u>
<u>UNDERSTORY/ORNAMENTAL TREES</u>	
<u>Serviceberry</u>	<u><i>Amelanchier arborea, Amelanchier laevis</i></u>

<u>American Hornbeam</u>	<u><i>Carpinus caroliniana</i></u>
<u>Eastern Redbud</u>	<u><i>Cercis caroliniana</i></u>
<u>Flowering Dogwood</u>	<u><i>Cornus florida</i></u>
<u>Crabapple</u>	<u><i>Malus spp.</i></u>
<u>American Hophornbeam</u>	<u><i>Ostrya virginiana</i></u>
<u>LARGE SHRUBS</u>	
<u>Pagoda Dogwood</u>	<u><i>Cornus alternifolia</i></u>
<u>Viburnum</u>	<u><i>Viburnum acerifolium, V. dentatum, V. trilobum</i></u>
MORE TO COME...	

*Note that no Maples are recommended due to the existing overabundance of maple trees in the City, per the 2021 Tree Management Plan.

- (5) Replacement trees shall have shade potential and other characteristics comparable to the trees proposed for removal and shall be state department of agriculture nursery grade no. 1 stock or better. Replacement trees shall be staked, wrapped and mulched, and shall be guaranteed to be thriving and vigorous for two years
- (6) Tree replacement shall be exclusive of required greenbelts or other landscaping in accordance with the city's zoning ordinance regulations pertaining to landscape buffer regulations (section 18.08) and parking lot landscaping regulations (section 19.05).
- (7) Applicant shall be required to replace trees on site which were originally indicated as intended to be saved when such trees are removed in violation of an approved site plan during construction or excessively damaged to the extent that it puts the tree at risk of death as determined by the building department. The replacements shall have at least equal shade potential and other characteristics comparable to those of the damaged trees and shall be a minimum two-and-one-half-inch caliper, excluding landmark trees. Landmark trees shall be replaced at 100 percent DBH on an individual or a cumulative basis using minimum two-and-one-half-inch caliper stock.
- (8) Trees required to be planted in accordance with this section shall be in place and properly supported prior to the issuance of a final certificate of occupancy. The centers of said trees shall not be located closer than four feet to any property line or ten feet to any underground utility line or easement.
- (9) All trees relocated or planted as replacements shall exhibit a normal live growth cycle to comply with this article.
- (10) Replacement trees shall not be tree species considered invasive in Michigan. The following tree species are prohibited as replacement trees:

(INSERT LIST OF PROHIBITED INVASIVE TREE SPECIES.)

- (b) *Environmental trust fund.* On-site replacement and/or relocation shall be required for permitted activities in accordance with the replacement schedule of this section. Every effort shall be made to relocate or mitigate trees on site. Off-site mitigation or contribution to the city's environmental trust fund shall only be allowed after the applicant has demonstrated that on site mitigation is not practical or feasible. The requirement for on-site mitigation may be altered or waived by the planning commission if the proposal meets all of the following criteria:

- (1) The proposal meets all other ordinance requirements (i.e., lot coverage, setbacks, parking setbacks, etc.).
- (2) The applicant can clearly demonstrate that there is inadequate planting area for the healthy installation of the required trees on site and that maximum effort has been put into locating as many of the required trees as possible.
- (3) The applicant has made every reasonable effort to preserve as many of the existing on-site trees as possible.
- (4) The proposal demonstrates environmental sensitive design in terms of topography, stormwater management, soil erosion management, etc.

Should the proposal meet the above criteria, the planning commission may reduce the requirement for on-site mitigation of replacement trees and permit mitigation off-site at an approved location or by contribution to the city's environmental trust "fund." Off-site mitigation or financial contribution shall only apply if the planning commission should determine that no practical or feasible alternative exists for on site mitigation. Payment to the fund per tree removed shall be in accordance with replacement fee schedules as established by the city council.

- (c) *Replacement tree standards.* All replacement trees shall:

- (1) Meet both the American Association of Nursery (A.N.A.) standards and the requirements of the state department of agriculture.
- (2) Be grown in a licensed nursery or approved equal.
- (3) Be guaranteed for two years, including labor to remove and dispose of dead material.
- (4) Be replaced immediately after the removal of the dead tree, in accordance with the A.N.A. standards and approved by the building department.
- (5) Be of the same characteristics as the removed trees. When replacement trees of the same species are not available from state nurseries or from other nurseries with similar United States Department of Agriculture (USDA) hardness zones, the applicant may substitute any species listed in [section 90-34](#) provided that shade trees are substituted with shade trees. Ornamental trees need not necessarily be replaced with ornamental trees but it shall be encouraged where feasible.
- (6) Be located on the same parcel of land on which the activity is to be conducted. Where tree relocation or replacement is not possible on the same property on which the activity is to be conducted, the permit grantee shall pay monies into the environmental resources trust fund (subsection (2)) for tree replacement within the city or plant trees off-site per planning commission approval (subsection (b)(2)).

- (d) *Exception to mitigation.* Trees that ~~meet the minimum required health score~~ are not dead, damaged or dying, as defined, and are confirmed by the building official to be causing damage to a structure are exempt from mitigation requirements. This exception only applies if the damage to the structure cannot be mitigated through building techniques or pruning of the tree. This exception does not apply if the damage is to underground utilities, driveways, sidewalks or other landscape elements.

An action for a violation of this article shall be commenced within 12 months after the commission of the violation.

Sec. 90-37. - Enforcement and violations.

In the event a violation of this article is noted, the building inspector will notify the owner of record and the occupant of said property of said violation. Such notice shall specify the violation, and the time within which corrective action must be completed. This notice may be served personally or by mail. In the event the property is not in compliance with this article at the end of the period specified in the notice of violation, an appearance ticket may be issued.
(Ord. No. 9-19-05, § 7.0, 10-3-05)

Sec. 90-38. - Penalties and civil fines.

- (a) Any person, corporation, partnership or any other legal entity who fails to comply with any of the provisions of this article or any of the regulations adopted in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction thereof, may be fined not more than \$500.00 per tree or per ordinance violation or imprisoned not more than 90 days or both, upon the discretion of the court. Every act or violation and every day upon which a violation occurs shall be considered a separate offense. The building official for the city shall be responsible for the enforcement of this article and the determination of violations.
- (b) In addition to the penalties provided for in subsection (a), any person who violates any provision of this article shall forfeit and pay to the city a civil penalty equal to fee schedule established in accordance with this article and in accordance with the city's fees, fines, and penalties schedule as adopted by the city council. Such sum shall accrue to the city and may be recovered in a civil action brought by the city. Such sum so collected shall be placed in the city tree fund and used to replace trees and compensate for damages. Replacement of illegally removed trees may be required as restoration in lieu of money. This replacement will be computed by a formula which is two times the total amount of DBH if, because of destruction of the removed trees, exact inch-for-inch measurements cannot be obtained, the city may use other means to estimate the tree loss. A combination of money and tree replacement may be required.

Sec. 90-39. - Action for violations: time limit.

An action for a violation of this article shall be commenced within 12 months after the commission of the violation.

Sec. 90-40. - Construction non applicability, appeals.

The provisions of this article shall be construed, if possible, in such a manner as to make such provisions compatible and consistent with the provisions of all existing and future zoning and other ordinances of the city and all amendments thereto. If there is believed to be a conflict between the stated intent and any specific provision of this article, the board of zoning appeals may, in accordance with established procedures, permit modification of said specific provisions while retaining the intent in such appealed instance.

Sec. 90-41. - Fees.

Administrative costs associated with processing of a tree removal permit, or in processing development plans with a building permit, shall be charged to the person per a fee schedule determined by the City of Northville City Council.

Sec. 90-42. - Performance guarantee.

- (a) To insure compliance with this article and any condition imposed thereunder, a cash deposit, certified check, or surety bond equal to a percentage as determined by the city building official after review of cost estimates submitted by the applicant for costs related to requirements of this article. These fees may be required to insure faithful completion of the improvements.
- (b) The performance guarantee shall be received by the building official at the time of the issuance of the permit authorizing the project. The city shall rebate to the applicant, as the work progresses, amounts of such deposit equal to the ratio of work satisfactorily completed to the entire project. Such rebates shall be based on the report and recommendation of the building official or issuance of a final certificate of occupancy as issued by the building official.