

**Chapter 282**  
**WOODLAND AND TREE PRESERVATION**

- |   |  |
|---|--|
| § 282-1. Legislative findings.                  | § 282-10. Replacement plan requirements.       |
| § 282-2. Purposes.                              | § 282-11. Tree protection during construction. |
| § 282-3. Definitions.                           | § 282-12. Variance and appeal procedures.      |
| § 282-4. Permit required; exceptions.           | § 282-13. Fees.                                |
| § 282-5. Review of plats.                       | Appendix 1, Heritage Tree Selection Criteria   |
| § 282-6. Provisions to be minimum requirements. | Appendix 2, Michigan Big Trees                 |
| § 282-7. Applicability.                         |  |
| § 282-8. Penalty.                               |  |
| § 282-9. Property inspection.                   |  |

**[HISTORY: Adopted by the Township Board of the Township of Grosse Ile 3-22-1993 by Ord. No. 195. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Building construction — See Ch. 40.	Subdivision control — See Ch. 238.
Environmental assessment — See Ch. 98.	Zoning — See Ch. 285.

---

**§ 282-1. Legislative findings.**

- A. The Township finds that growth and development resulting in increased demand upon natural resources has had the effect of encroaching upon, despoiling and/or eliminating many of the woodlands, trees, and associated forms of vegetation. These resources, if preserved and maintained in an undisturbed and natural condition, provide air quality protection, maintenance of water quality, reduction of flood surges and soil erosion, and protection of vital wildlife habitat. In addition, these resources provide important aesthetic, ecological, recreational and economic benefits to existing and future residents of the Township and must, therefore, be protected.
- B. Specifically, the Township finds that:
- (1) Trees and woodland systems protect public health through the absorption of airborne pollutants and generation of oxygen, through the reduction of excessive noise and mental and physical damage related to noise pollution, and through their cooling properties in the summer months;
  - (2) Trees and woodland systems play an important role in the absorption of nutrients, such as nitrogen and phosphorus, from water as it passes from the surface to groundwater tables and lower aquifers;

- (3) Trees and woodland systems, through their root systems, stabilize the soil and play an important and effective part in soil conservation, erosion control, and flood control;
- (4) Trees and woodland systems are essential components to the general welfare of the Township, providing natural beauty, natural character, recreational opportunities and wildlife habitat;
- (5) Protecting this natural resource, and reproductive and regenerative capabilities of trees and woodland systems maintains this heritage for existing and future Township residents;
- (6) The Township will benefit by instituting a woodland acquisition and tree planting program to protect and replenish trees lost due to development; and
- (7) The protection of such natural resources is a matter of paramount public concern, as provided by Article IV, Section 52, of the Constitution of the State of Michigan and the Michigan Environmental Protection Act of 1970, MCL § 691.1201 et seq.

### **§ 282-2. Purposes.**

The purpose of this chapter is to provide for the protection, preservation and conservation of the Township's woodland systems, natural corridors, heritage trees and protected trees by providing a planting and reforestation and woodland acquisition program, and by managing and protecting the following environmental qualities:

- A. Ecological. Provide for the protection, preservation, replacement, and proper maintenance and use of woodland systems in order to maintain ongoing natural processes such as water cycling, nutrient cycling, and photosynthesis/transpiration; to minimize disturbance and structural changes to vegetative cover; and to minimize damage from erosion, siltation, windthrow and disease.
- B. Forestry. Prohibit the unregulated cutting of trees or harvesting of forest products within a woodland; to establish a permit process which will regulate the cutting of trees and harvesting of forest products; and to prescribe the review process for the issuance of tree cutting and harvesting permits.
- C. Aesthetic character. Protect the Township's woodland systems and trees in order to maintain and improve their current and future visual character, not only for residential areas and homesites, but also as natural settings for development in all zoning districts.
- D. Conservation. Protect the reproductive and regenerative capabilities of all woodland systems to maintain plant and tree diversity; protect groundwater recharge areas; maintain visual screening, windbreak, dust collection and noise barrier characteristics exhibited by woodland systems.
- E. Wildlife habitats. Protect the existing woodland systems in the Township in order to limit the loss of existing wildlife habitat, to maximize the quality and quantity of woodland corridors available across the Township, and to encourage habitats suitable for wildlife communities.

- F. Recreational use. Protect the natural environment of wooded areas in order to provide recreational trail systems linked throughout the Township for pedestrian hiking and other passive uses.
- G. Rare species habitats. Protect individual trees which are known to be rare within the southeastern area of the State of Michigan, or have reached a certain age of maturity to be considered a landmark specimen or which are known to represent historical value to the community.

### § 282-3. Definitions.

Terms not specifically defined in this chapter shall have the conventional meaning. The following words and phrases shall be defined as follows:

**BASAL AREA** — The cross-sectional area of a tree trunk measured at 4½ feet above the existing grade.

**BUILDING ENVELOPE** — The area of the lot where a building may legally be constructed. The building envelope is defined by the required front yard, rear yard and side yard setbacks.

**BUILDING FOOTPRINT** — The area enclosed or to be enclosed by the exterior walls of a building.

**CONSTRUCTION ZONES** — The exact size and placement of construction zones will be determined by the Planning Commission or the Department of Community Development during the permit process, but will include, at a minimum, the following areas:

- A. The building footprint(s) plus a maximum surrounding 25 feet and a twenty-foot-wide utility driveway access for all principal building(s) on the property. These areas shall total no more than ⅓ of the minimum lot or parcel size defined in the underlying residential zoning. This fraction is increased to ⅔ in R-1-C zoning.
- B. Road rights-of-way, utility easements and areas as identified in Subsection C.
- C. Designated areas that must incur regulated tree losses due to engineering requirements such as infrastructure, but not limited to utilities, swales, site grading, or other regulatory requirements.
- D. Designated areas defined in a building permit that must incur regulated tree losses due to construction of secondary structures.
- E. For commercial, industrial and special land use developments, the area necessary to provide the minimum number of parking spaces required by other ordinances.

**DIAMETER BREAST HEIGHT (dbh)** — The diameter in inches of a tree measured at 4½ feet above the existing grade.

**DRIP LINE** — An imaginary vertical line which extends downward from the outermost tips of the tree branches to the ground.

**ENVIRONMENTAL RESOURCES TRUST FUND** — 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.

**GRUBBING** — The removal of understory vegetation, groundcover, shrubs or trees on any area greater than 10,000 square feet. In those instances when grubbing is permitted, it shall not include the removal of any trees with a dbh of greater than six inches.

**HERITAGE TREE** — A heritage tree shall include any tree known to have significance because of its size, location, and/or memorial or historic value as designated by the Township or the state, not excluding other cognizant authorities. The Natural Resources Committee or others as designated by Board is responsible for providing a list and map of such trees to the Township for Board approval.

**IMPACT** — The effect of operations on any area.

**LAND CLEARING** — Those operations where trees and vegetation are removed. Operations may include locating, constructing, placing, inserting or excavating materials such as soil, sand, gravel, clay, peat, mud, debris or refuse.

**MICHIGAN BIG TREE** — Swamp white oak, Honeylocust, Downy Hawthorn, and all others registered by the Michigan Department of Natural Resources.

**NATURAL CORRIDOR TREE** — Any tree which is located within a natural corridor identified on the Township Natural Corridor Map and described by the Grosse Ile Natural Corridor Description.

**OPERATIONS** — The locating, moving or depositing of any material, or any construction use or activity, or a combination thereof, which in any way modifies the condition of land subject to this chapter.

**OWNER** — Any person who has dominion over, control of, or title to any land in the Township.

**PERSON** — Any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind, including governmental agencies conducting operations within the Township, and all tree removal companies and persons removing trees on behalf of self or others.

**PROTECTED AREA** — Area between the trunk of a regulated tree, extending to the dripline of the tree canopy.

**PROTECTED TREE** — Any tree of six-inch dbh or greater.

**PROTECTIVE BARRIER** — A physical structure limiting access to a protected area composed of tape or other suitable materials which ensures compliance with the intent of this chapter.

**REGULATED TREE(S)** — Protected trees and heritage trees.

**REMOVAL or REMOVE** — The cutting, injury and/or destruction of trees or any form of vegetation by any method on any lands subject to this chapter.

**STRUCTURE** — Any assembly of materials above or below the surface of the land or water including, but not limited to, houses, buildings, bulkheads, piers, docks, landings, dams, waterway obstructions, towers and utilities

**TRANSPLANT** — The digging up of a tree from one place on a property and the planting of the same tree in another place on the same property or off-site property approved by the Township.

**TREE** — A woody plant with an erect perennial trunk which at maturity is 13 feet or more in height and which has a more or less definite crown of foliage.

**TREE SURVEY** — Registered survey which includes the identification of regulated trees with a permanent tag or marker, a corresponding list of common name and species, tree size and the location of all regulated trees on a topographic plan drawing.

**TREE WELL** — A structure constructed of masonry, wood, metal or other material approved by the Township that serves to protect the trunk and roots of a tree from being covered by soil or other material. A tree well must be constructed so as not to create a safety hazard..

**WOODLAND** — A forested area of 1/2 acre or more with a gross basal area of 30 square feet per 1/2 acre and containing a minimum of 20 trees per 1/2 acre greater than six inches in dbh. The dripline of the trees define the area of the woodland.

**§ 282-4. Permit required; exceptions.**

A tree removal/land clearing permit must be applied for and received from the Township if performing activities as described under Subsection A of this section.

A. A tree removal/land clearing permit shall be required for the following:

- (1) The removal or destruction of any regulated tree.
- (2) Land clearing or grubbing within a woodland.
- (3) New and replacement infrastructure.

B. A tree removal/land clearing permit is not required:

- (1) For actions made necessary by an emergency, such as tornado, windstorm, flood, freeze or other natural disaster, in order to prevent injury or damage to persons or property, and where it would be contrary to the interest of the public, or to the health or safety of one or more persons, to defer cutting pending submission and processing of a permit application.
- (2) Written notice must be given to the Township within five working days prior to conducting these activities:
  - (a) Tree removal in order to perform maintenance or repair of lawfully located roads, sewers, structures and facilities used in the service of the public to provide transportation, electric, gas, water, telephone, telecommunication, or other services on existing easements.

- (b) To remove dead trees where the damage resulted from an accident or nonhuman cause.
  - (c) To remove dead, damaged or diseased trees.
  - (d) To thin woodland systems to foster growth of regulated trees.
  - (e) To remove up to two regulated trees in any twelve-month period excluding Michigan Big Trees.
  - (f) To avoid damage of existing primary and secondary structures.
  - (g) The removal of trees within exempt construction zones.
- C. The permit shall contain the name and address of the property owner and/or the designee of the owner, the legal description and location of the property, and a site plan showing all regulated trees within 30 feet, or the lot line, whichever is less, of construction areas and identifying those regulated trees that are proposed for removal.
- D. A tree location diagram will be required prior to an on-site examination made by the Township enforcement agent under the following conditions:
- (1) Where a permit is requested to remove trees on a lot upon which is located an occupied one-family dwelling; or
  - (2) Where a permit is required to remove three or fewer trees.
- E. Incomplete applications and/or tree replacement plans may not be accepted or reviewed by the Township.
- F. Complete applications will be reviewed under the requirements described in § 282-5.
- G. Individual residential lots shall be reviewed by the Township staff according to the requirements of § 282-5B.

#### **§ 282-5. Review of plats.**

- A. Subdivision plats.
- (1) Conceptual review. A person requesting conceptual approval of a subdivision plat is required to submit a brief description regarding the quality and predominance of trees by species. An aerial photograph (one inch equals 50 feet) should also be provided showing the general layout of the proposed subdivision. Conceptual approval will be based on the person's ability to demonstrate intent to avoid or minimize impacts to regulated trees.
  - (2) Pre-preliminary review.
    - (a) A person requesting pre-preliminary approval of a subdivision plat is required to submit a tree survey indicating all trees 12 inches dbh or greater that are located in the following areas:
      - [1] All road rights-of-way and a thirty-foot zone on both sides.
      - [2] Utility easements and drainageways and a thirty-foot zone on both sides.

[3] Other easements or areas to be cleared for any reason during initial subdivision development.

(b) The person is also required to identify building envelopes for each lot. A written statement describing how he/she intends to conform with the replacement plan requirements of § 282-10 should be included. Approval will be based upon the person's intent to comply with the requirements of § 282-10.

(3) Preliminary review. A person requesting preliminary approval of a subdivision plat is required to submit a tree survey identifying all regulated trees located in areas specified in Subsection A(2). The proposed subdivision plat for all residential districts should also identify all proposed site improvements. A detailed replacement plan is required as defined by § 282-10. Approval will be based upon compliance with § 282-10.

B. Site plan review.

(1) Preliminary site plan review.

(a) A person submitting a building permit application is required to submit a tree survey indicating all regulated trees located on the site that are proposed to be impacted by the development or by utility easements, including a thirty-foot zone or lot line, whichever is less, surrounding the area to be developed.

(b) If the preliminary site plan identifies impacts to regulated trees, the person must submit a statement explaining why there are no prudent and feasible alternatives to the plan. If the person fails to prove that no prudent and feasible alternative exists, preliminary site plan approval will be denied or tabled until the plan is modified to minimize or eliminate impacts. If the person does prove that no prudent and feasible alternative exists, then a written statement explaining the person's intent to comply with requirements of § 282-10 shall be submitted. The preliminary plan for all land use districts should indicate all proposed site improvements. Approval of the preliminary site plan shall be based on the person's intent to avoid or minimize impacts and to comply with § 282-10.

(2) Final site plan review. A person requesting final site plan approval is required to submit a detailed replacement plan as defined by § 282-10. Approval will be based on compliance with § 282-10.

**§ 282-6. Provisions to be minimum requirements.**

The provisions of this chapter shall be held to be minimum requirements adopted for the public health, safety and general welfare. It is not intended by this chapter to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, or with any rules, regulations or permits previously adopted or issued; provided, however, that where this chapter imposes a greater restriction than is required by existing ordinance or by rules, regulations or permits, the provisions of this chapter shall control.

**§ 282-7. Applicability.**

This chapter shall apply to all property located within the Township and shall include property in all zoning classifications.

**§ 282-8. Penalty.**

- A. Penalties for violation of this chapter shall be punishable as provided in Chapter 1, General Provisions, § 1-3. The provisions of Chapter 1, Article II, Municipal Civil Infractions, also apply to violations of this chapter.
- B. Any activity conducted in violation of this chapter is declared to be a nuisance per se, and the Township may commence a civil suit in any court of competent jurisdiction for an order abating or enjoining the violation.
- C. If operations are conducted that are contrary to the use permit required by this chapter or other applicable laws or ordinances, the Township police or Department of Community Development shall issue an order to the permit grantee to stop work. If a permit has not been issued, then the Township shall notify the person of the violation of the permit, this chapter or other applicable laws or ordinances. A person shall not continue, nor cause or allow to be continued, activity in violation of such an order, except with permission of the enforcing agency to abate a dangerous condition or remove the violation, or except by court order. If an order to stop is not obeyed, the enforcing agency may apply to the Circuit Court for the county in which the premises are located for an order enjoining the violation of the order, or may take other measures as determined necessary by the Township. A person shall also be required to replace trees removed without authorization by trees equal in dbh to the total dbh of all removed trees. This remedy is in addition to, and not in limitation of, any other remedy provided by law or ordinance, and does not prevent criminal prosecution for failure to obey the law.
- D. Trees that are protected during construction, relocated or replaced will be monitored by the Township for a period of no less than two years. Trees which have not remained healthy as a result of activities associated with approved operations, or trees that have died or been subsequently removed, will be required to be replaced within 30 days of notice from the Township, or at a seasonable time to be determined by the Township. The person would also have the option to contribute to the Environmental Resources Trust Fund in lieu of replacing the affected tree(s).
- E. Any person violating the provision of this chapter shall become liable to the Township for any expense or loss or damage occasioned by the Township by reason of such violation.

**§ 282-9. Property inspection.**

The Township designated enforcement agent may make reasonable entry upon any lands or waters within the Township for the purpose of enforcement of this chapter or for the conduct of any investigation, survey or study pursuant to this chapter.

**§ 282-10. Replacement plan requirements.**

- A. Tree relocation or replacement shall be at a rate defined in this section provided that all replacement trees are of 2½ inches dbh or greater. (Replacement tree species shall be of similar species as those removed.)

<b>Type of Tree Removed</b>	<b>Replacement Requirement</b>
Heritage trees	One tree per 4 inches dbh of tree removed
All other regulated trees	One tree per 6 inches dbh of tree removed

- B. Environmental trust fund. In lieu of replacing regulated trees, the person has the option to contribute money to the Township Environmental Trust Fund. Payment to the fund per tree removed shall be in accordance with the schedule below:

<b>Type of Tree Removed</b>	<b>Replacement Requirement</b>
Heritage trees	\$300 per 4 inches dbh
All other regulated trees	\$300 per 6 inches dbh

- C. Construction zones. Construction zones are exempt from tree replacement requirements.
- D. Tree removal. Residential lots are exempt from tree replacement requirements when all of the following conditions are met:
  - (1) There is a certificate of occupancy for primary structure on the lot.
  - (2) Tree removal will occur only within the minimum lot area defined as the closest allowable minimum area near the primary structure in the underlying zoning district.
  - (3) Tree removal will occur only within a construction zone as designated by the Department of Community Development for accessory structures.
  - (4) Trees are not removed for sale of use off the lot.
  - (5) Trees are not removed from conservation easements, wetlands or other restricted use areas.
  - (6) Two regulated trees per year may be removed annually by the property owner on all other lot areas with no replacement requirement. This specifically excludes harvesting for sale purposes.
- E. Heritage tree protection. Heritage trees shall not be removed unless and until the person has demonstrated that no other practical options exist. Replacement requirements will not be waived.

**§ 282-11. Tree protection during construction.**

- A. Before development, land clearing, filling or any operation commences for which permission is required by this chapter, the developer or builder shall be required to erect,

for the protection of remaining trees, barriers as approved by the Township. Such protection shall remain in its approved location until such time as it is authorized to be removed by the Township, or issuance of a final certificate of occupancy. During construction, no attachments or wires shall be affixed to any trees so protected. Wood, metal or other substantial material shall be utilized in the construction of barriers. Barriers will be required for all trees being protected, except in the following cases:

- (1) Street right-of-way and utility easements may be ribboned off by placing stakes a maximum of 50 feet apart and tying ribbon, plastic tape, rope, etc., from stake to stake along the outside perimeters of such areas to be cleared.
  - (2) Property areas separate from the construction or land clearing area into which no equipment will venture shall be ribboned off as above [Subsection A(1)].
- B. Activity to be conducted within the drip line of any tree designated to be retained, including, but not limited to, the placing of any solvents, material or construction machinery within the drip line will be reviewed on a case-by-case basis. Township approval of said activity will be made within five working days and will be based upon degree of impact anticipated. Clean soil may be placed within the drip line of a tree designated to be retained providing that a tree well is constructed that will keep soil at least six feet from the edge of the trunk of the tree. No more than four inches of soil shall be permitted to be placed over the roots of any tree designated to be retained within an area six feet from the edge of the trunk of the tree.

#### **§ 282-12. Variance and appeal procedures.**

- A. A person who is aggrieved by a decision of the Department of Community Development or Township police concerning any provision of this chapter may appeal the decision to the Planning Commission. The Planning Commission may reverse, affirm or modify the approval granted by the Department of Community Development or Township police.
- B. A person who is aggrieved by the decision of the Planning Commission concerning any provision of this chapter may make an appeal to the Zoning Board of Appeals.
- C. All appeals must be filed, in writing, within 30 days following the decision.
- D. The Zoning Board of Appeals, based upon its appellate review, may reverse, affirm or modify the decision made by the Planning Commission.
- E. Variances and appeals shall be granted only in accordance with:
  - (1) Compliance with the strict letter of the restrictions governing use of the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. The showing of mere inconvenience is insufficient to justify a variance or an appeal.
  - (2) The requested variance or appeal can be granted in such fashion that the spirit of the chapter will be observed and public safety and welfare secured.
  - (3) In deciding upon an appeal from an action taken by an administrative official or body, the Zoning Board of Appeals shall determine if the administrative official or body has

made an error in any order, requirement, decision or determination in the enforcement and/or interpretation of the chapter.

**§ 282-13. Fees.**

Administrative costs associated with processing of a building permit, or in processing the subdivision plat or site plan submitted with a building permit, shall be charged to the person per a fee schedule determined by the Grosse Ile Township Board of Trustees.



## WOODLAND AND TREE PRESERVATION

### APPENDIX 1

#### Heritage Tree Selection Criteria

The following criteria will be used to determine if a tree is eligible for designation as a Grosse Ile heritage tree. To be designated as a heritage tree the tree must pass at least one of the following tests:

- A. Memorial tree: Any tree, regardless of size, that was planted in honor of an individual or to commemorate an event. Information on when and why the tree was planted will be required for designation as a memorial tree.
- B. Historical tree: A tree deemed by the Grosse Ile Historical Society or other recognized historical society to be of historical significance.
- C. Endangered tree: A tree of a species that is on the state or federal threatened and endangered species list.
- D. Grosse Ile big tree: A tree whose dbh is 75% or more of the designated Michigan Big Tree of the same species. If fewer than five trees in the species exceed the 75% dbh figure, the five largest trees of the species on Grosse Ile that exceed 50% the dbh of the Michigan Big Tree of the same species shall be eligible for designation as a heritage tree. If a Michigan Big Tree does not exist for a species the 75% figure will be replaced with 60% the dbh of the National Big Tree.



## WOODLAND AND TREE PRESERVATION

### APPENDIX 2 Michigan Big Trees

Key: Number indicates girth measured at 4.5 feet above soil level

#### North

Swamp White Oak: 225 (National Champion)  
8931 Bridge

White Oak: 172 (Michigan Botanical Society Listing: MBS)  
(E. of Meridian 1/2 way between Bridge & Horsemill)

#### West Side: (North to South)

Weeping Willow: 234 (MBS Listed)  
19902 Keith (says 19886 at neighbors)

Pin Oak: 82 (Grosse Ile Large Tree)  
21869 West River

Shagbark Hickory: 105 (MBS Listed)  
23409 West River

American Elm: 118 (Grosse Ile Large Tree)  
24163 West River

Norway Maple: 102 (Grosse Ile Large Tree)  
24163 West River

#### East Side (North to South)

Hackberry: 126 (Grosse Ile Large Tree)  
19610 Parke Lane

Swamp White Oak: 169 (MBS Listed)  
21000 East River

Downy Hawthorn: 105 (National Champion)  
8120 Macomb

Horse Chestnut: 163 (Grosse Ile Champion)  
Royal Orleans; Macomb at East River

Honey Locust: 218 (National Champion)  
24532 East River

Red Bud: 41 (MBS Listed)  
25440 East River

Bur Oak: 227 (Grosse Ile Large Tree)  
25120 East River (St. James)

Black Locust: 160 (Grosse Ile Large Tree)  
25120 East River (St. James)

Bur Oak: 198 (Grosse Ile Large Tree)  
29113 East River

