

34-5.18 TREE PROTECTION, REMOVAL AND REPLACEMENT

1. Permit required:
 - A. Except as otherwise provided herein, no person shall remove a tree or trees or cause a tree to be removed in the City of Farmington Hills without a tree permit issued by the department of planning and community development ("the department") in accordance with this section.
 - B. A tree permit shall be required for the following:
 - i. The removal, relocation, or destruction of any tree, except as otherwise exempt, under subsection 34-5.18.5.
 - ii. The construction of any structure, the depositing of any materials, land clearing, grubbing, or grading within the drip line of any protected tree.
2. Permit application and review:
 - A. Where a tree permit is required, an application shall be filed with the department for review. The application shall be submitted together with a tree survey and superimposed tree survey, where required, and all other documentation as required elsewhere under this section, prior to or concurrent with the submission of a site plan or application for building permit, whichever may be required.
 - B. Where a site plan is required, the tree survey and superimposed tree survey, where required, along with accompanying documentation, shall be part of the review process. Site plan approval shall precede issuance of a tree permit.
 - C. When a site plan is not required, the department shall review the application and other documentation as required within fifteen (15) working days of the department receiving the application in acceptable form.
3. Tree survey and superimposed tree survey guidelines:
 - A. The purpose of the tree survey is to locate trees on site. The purpose of the superimposed tree survey is to evaluate the impact of development on the trees on site.

- B. The tree survey shall be in a form acceptable to the department and shall bear the following information and details:
 - i. Minimum scale of 1" = 50'. The scale shall be the same as the site plans.
 - ii. The shape and dimensions of the lot or parcel.
 - iii. The location of existing structures.
 - iv. The existing grade at the base of each tree shall be indicated on the tree survey using contour lines at two-foot intervals or spot grades.
 - v. All trees shall be tagged in the field with identifying numbers, using non-corrosive metal tags, and shown on the plan with the corresponding number, including trees within twenty-five (25) feet of property lines and trees affected by road improvements and/or off-site utility work.
 - vi. The tree survey shall include a list of all trees on site with their corresponding tree inventory number and disposition. Indicate common name, botanical name, size, and condition. If this list is too extensive to fit on the plan and is in a separate book, a note indicating so shall be included on the plan.
 - vii. Tree surveys are to be performed by actual field survey by a registered land surveyor and verified on site by a registered landscape architect, arborist or forester. Both professionals must verify the contents by seal or signature, whichever applies.
 - viii. The requirement for a tree survey may be waived by the department for areas fifty (50) feet or more outside the construction zone. If waived, a statement indicating predominant species and estimated number and size of trees in this area will be required. The area to remain undisturbed shall be snowfenced prior to any activity.
- C. The superimposed tree survey shall include all of the above information and shall bear the following additional information:

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- i. Excluding single-family residential unit in a preliminary plan, the location of all proposed structures and improvements which shall require submission of a superimposed tree survey before issuance of a building permit, unless such submission is waived by the department pursuant to subsection 34-5.18.3.E below. No existing structures are to be shown.
 - ii. All trees that are to be removed, to remain, or to be relocated shall be shown on the plan.
 - iii. The total number of trees on site, the total number of trees to be removed, and the total number of replacement trees required to be planted on site shall be indicated on the plan in table form.
 - iv. The proposed location of relocated trees shall be indicated on the plan, 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.
 - v. The proposed grade at the base of each tree shall be indicated, using contour lines at two-foot intervals or spot grades.
 - vi. A statement showing how trees to remain are to be protected on a permanent basis, including the proposed use of tree wells, protective barriers, tunneling, or retaining walls, shall be included on the plan.
 - vii. The location of protective wood snowfence or similar sturdy stock material staked with metal stakes ten (10) feet on center which will shield and protect trees, no closer than six (6) feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.
 - viii. A statement indicating that trees to be removed shall be marked in the field with red paint or flags and inspected by the planning office prior to any trees being removed.
- D. For tracts of land ten (10) acres or larger, a tree survey and superimposed tree survey meeting the conditions of subsection 34-5.18.3.A. shall be submitted with an aerial photograph or copy thereof as suitable quality 1" = 100' minimum.
 - E. The department may, in lieu of submission of the tree survey or superimposed tree survey, conduct an on-site examination prior to construction, or waive certain provisions of subsections 34-5.18.3.B. and 34-5.18.C. above, under the following conditions:
 - i. Where a permit is required to remove or relocate trees on single-family lots.
 - ii. Where a permit is required to remove fewer than three (3) trees.
- 4. Reasons for issuing a tree permit. Tree permits shall be issued for only the following reasons:
 - A. Trees pose a safety hazard to pedestrian or vehicular traffic or threaten to cause disruption to public utility service.
 - B. Trees pose a safety hazard to buildings or structures.
 - C. Trees completely prevent access to a lot or parcel.
 - D. Trees unreasonably prevent development of a lot or parcel or the physical use thereof. It is the intent of this provision that a permit shall not be granted for the removal of any tree where a reasonable alternative design solution exists consistent with the permitted use of the property under the City of Farmington Hills Zoning Ordinance.
 - E. Diseased trees or trees so weakened by age, storm, fire, or other injury so as to pose a danger to persons, property, improvements, or other trees.
 - F. Where a landmark tree is proposed for removal and there is no reasonable alternative that would allow preservation of the tree while still meeting other city requirements.
 - 5. Exemptions. The following are exempt from the provisions of this section:
 - A. Any tree less than six (6) inches DBH.
 - B. The removal of two (2) trees per calendar year other than landmark trees, on occupied one-family residential lots.



- C. On occupied one-family residential lots which are one acre or more in area, the removal of eight (8) trees per calendar year or not more than ten (10) percent of the total number of trees on the lot, whichever is less. This provision shall not apply to landmark trees.
 - D. Trees for which it is determined by the department to have a health condition factor less than sixteen (16) per subsection 34-5.18.11.
6. Tree protection during land development:
- A. Prior to the land clearing stage of development and before a tree permit will be issued, the owner, developer, or agent shall do the following:
 - i. 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.
 - ii. Erect barriers of four-foot-high wooden fencing or similar sturdy stock material staked with metal stakes ten (10) feet on center which will shield and protect trees, no closer than six (6) feet from the trunk or at the drip line, whichever is greater, of all such trees or groups of trees.
 - iii. Keep clear all debris or fill, equipment, and material from within the required protective barrier.
 - B. During construction, the owner, developer, or agent shall not cause or permit any activity within the drip line 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.
 - C. No damaging attachment, wires (other than cable wires for trees), signs, or permits may be fastened to any tree protected by this section.
 - D. The department shall conduct periodic inspections of the site during land clearing and construction in order to ensure compliance with this section.
7. Tree replacement or relocation during land development:

- A. As a condition of granting a tree permit, the applicant will be required to replace trees being removed having six (6) inches or more DBH.
 - i. The permit grantee shall either relocate trees or replace trees on a one-to-one basis. All replacement trees shall measure three-inch caliper for deciduous trees, ten-foot height for evergreen trees, or greater. When replacement or relocation of trees on site or on a one-to-one basis is not feasible and/or desirable, the planning commission may substitute greater size for replacement trees or require replacement trees at another location on public property in the city.
 - ii. Replacement trees shall have shade potential and other characteristics comparable to the tree proposed for removal and shall be State Department of Agriculture Nursery Grade No. 1 stock or better. Replacement trees shall be planted per City of Farmington Hills specifications and details and be guaranteed for one year.
 - iii. As an alternative or partial alternative to the above, the planning commission may approve trees which are smaller in caliper size in situations where the intent is to recreate or create a densely-wooded area or wood lot. Such groupings of trees shall consist of tightly-grouped trees and shall be a minimum one-inch caliper and shall be used only in situations and locations where it is appropriate to create a densely-wooded effect. Spacing between trees shall be approved by the planning commission. When this alternative is used, the sum of the caliper of the replacement trees shall be equal to the sum of the caliper of the replacement trees as required under subsections 34-5.18.7.A.i and 34-5.18.7.A.iv of this paragraph. (Landscape Design Principles for Densely Wooded Areas adopted by the planning commission shall be used as guidelines for this alternative.)



- iv. When landmark trees are permitted to be removed, replacement trees shall be provided to a minimum of twenty-five (25) percent of DBH of the tree to be removed. Replacement trees, measured in DBH or calipers, shall be provided either individually or on a cumulative basis to meet the twenty-five (25) percent DBH requirement.
 - v. The applicant shall be required to replace trees originally indicated and intended to be saved when such trees are excessively damaged or removed in violation of an approved site plan during construction to the extent that it puts the tree at risk of death as determined by the department. The replacements shall have at least equal shade potential and other characteristics comparable to those of the damaged trees and be a minimum five-inch caliper, excluding landmark trees. Landmark trees shall be replaced at one hundred (100) percent DBH on an individual or cumulative basis using minimum five-inch caliper stock.
 - vi. Trees required to be planted in accordance with subsection 34-5.18.7 shall be in place and properly supported prior to the issuance of a final certificate of occupancy. The center of said trees shall not be located closer than four (4) feet to any property line or ten (10) feet to any utility line.
 - vii. All trees relocated or planted as replacements shall exhibit a normal live growth cycle to comply with subsection 34-5.14.4.
 - viii. The planning commission may require the submission of a tree replacement plan for review in accordance with the provisions of this chapter.
8. Emergency tree removal. When it is necessary to expedite the removal of damaged or destroyed trees in the interest of public safety, health, and general welfare following high winds, storms, tornadoes, floods, freezes, fire or other natural or man-made disasters, the requirements of this section may be suspended by the department for a period for this thirty (30) days in the affected areas.
9. Penalties. Each unauthorized removal of a tree protected by this section shall be deemed a separate offense. Section 34-7.13 of the Farmington Hills Zoning Ordinance shall be applicable to violations and penalties.
10. Landmark trees. The following is a list, according to common name, species, and DBH, of landmark trees which are protected under Section 34-5.18:
- A. The listed DBH for the landmark trees represent the minimum size protected for each species.
 - B. The landmark trees herein listed are prevalent in the City of Farmington Hills and in the surrounding area.
 - C. Landmark tree list:
 - i. All trees twenty-four (24) inches DBH or greater are considered landmark trees.
 - ii. The following trees also shall be considered landmark trees:

34-5.18.10.C.ii Landmark Trees		
Common Name	Species	Size DBH (inches)
Ash	Fraxinus spp.	18
American Beech	Fagus grandifolia	18
American Chestnut	Castanea dentata	8
Birch	Betula spp.	18
Black Alder	Alnus glutinosa	12
Black and White Walnut	Juglans nigra, J cinerea	20
Buckeye	Aesculus glabra	18
Cedar, Red	Juniperus spp.	12
Crabapple (cultivar)	Malus spp.	12
Douglas Fir	Pseudotsuga menziesii	18
Eastern Hemlock	Tsuga canadensis	12
Flowering Dogwood	Cornus florida	8
Ginkgo	Ginkgo biloba	18
Hickory	Carya spp.	18
Horse Chestnut	Aesculus carnea	18
Kentucky Coffeetree	Bymnociadus dioicus	18
Larch/Tamarack	Larix laricina (Eastern)	12
London Planetree/Sycamore	Plantanus spp.	18
Maple	Acer spp.	18
Oak	Quercus spp.	16
Pine	Pinus spp.	18
Sassafras	Sassafras albidum	15
Spruce	Picea spp.	18
Tuliptree	Liriodendron	18
Choke Cherry	Prunus spp.	18

11. Tree health/condition standard. The department shall be responsible for determining the health/condition standard for trees under this Section 34-5.18:

A. 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 tree's health condition.

B. Any tree with a score of sixteen (16) or higher is protected under this section.

C. The means by which the department calculates the tree's health/condition is listed as follows:



34-5.18.11.C Tree Health/Condition			
Factor Ranking	5 or 4	3 or 2	1
Trunk	Sound and solid	Sections of bark missing	Extensive and hollow
Growth	More than 6" twig elongation	2"-6" twig elongation	Less than 2" twig elongation
Structure	Sound	One major or several minor limbs dead	2 or more major limbs dead
Insects/Diseases	No pests present	One pest present	2 or more pests present
Crown/Development	Full and balanced	Full but unbalanced	Unbalanced and lacking a full crown
Life Expectancy	Over 30 years	15-20 years	Less than 5 years
			TOTAL

34-5.19 PEDESTRIAN ACCESS AND CONNECTIVITY FROM PUBLIC RIGHTS-OF-WAY

1. Pedestrian access-ways of sufficient width and design to allow convenient use shall be provided between public sidewalks and principal building entrances, except one-family residential dwelling units.
2. Walkways shall provide pedestrian access through parking lots from public sidewalks to building entries in a safe and efficient manner. Walkways shall be located and aligned to directly and continuously connect areas or points of pedestrian origin and destination, and shall not be located and aligned solely based on the outline of a parking lot configuration unless such a configuration allows for direct pedestrian access.

