When is a tree removal permit required?

A tree removal permit is required for any of the following activities:

- The removal, transplanting or destruction of any tree within a woodland area.
- Land clearing or removal of understory vegetation within a woodland area.
- The removal, transplanting or destruction of any regulated tree outside of a woodland area.

What is a regulated tree?

The Shelby Township Tree and Woodland Preservation Ordinance regulates trees located within woodland areas and trees of a certain size that are located outside of woodland areas.

When located outside of woodland areas, regulated trees are those that are seven (7) inches or greater in diameter measured at 4.5 feet above the existing grade (A.E.G.).

Are there any activities that are exempt from permit requirements?

The following activities are allowed without a tree removal permit unless otherwise prohibited by law:

- Removal, transplanting or destruction of trees located on a site which is two (2) acres or less upon which there is an occupied residence.
- Removal, transplanting or destruction of trees located on a site which is greater than two (2) acres upon which there is an occupied residence to construct a fence, deck, pool, or accessory building, provided all other necessary permits have been issued.
- Removal of dead or damaged trees where the death or damage resulted from an accident or non-human cause.
- Trimming, maintenance, or care of trees in accordance with Township standards.
- Removal, transplanting or destruction of trees occurring during a farm operation.
- Removal, transplanting or destruction of trees occurring during the operation of a licensed commercial nursery or tree farm.
- Removal, transplanting or destruction of trees by a governmental agency, public utility or their agent to perform maintenance or repair of roads, public utilities, structures and facilities.

Refer to the Shelby Township Tree and Woodland Preservation Ordinance for a complete description of exceptions to tree removal permit requirements. Special conditions may apply.
Tree Removal Permits

Single Family Lots — Administrative Approval

What is required for a tree removal permit for a single family lot?

☐ One (1) completed Application Form with original signatures of the legal owner and applicant.

☐ One (1) completed Applicant Information Form with one (1) readable copy of both sides of the applicant’s driver’s license attached (fax copies will not be accepted).

☐ One (1) original notarized Affidavit of Ownership and supporting ownership documentation.

☐ Review fee.

☐ One of the following:

☐ One (1) original notarized Affidavit of No Regulated Trees and two (2) copies of a plot plan.

- OR -

☐ Two (2) copies of a tree inventory or sketch plan illustrating the size, type and location of all trees, and identifying all trees proposed for removal or transplant.

What is the process for tree removal permits for single family lots?

Applications for tree removal permits are required for all new residences on vacant single family lots and for any activity that requires a building permit on an occupied single family lot (see exemptions on page TR1). Subdivisions and other single family residential developments with previously approved tree removal permits and tree preservation plans must comply with such plans.

Tree removal permit applications for single family lots are reviewed and approved administratively by the Planning Director.

1. Application to Planning & Zoning Department
2. Review by Planning Director
3. Denial
4. Approval
5. Verification of No Regulated Trees
6. Permit Issued by Planning Director
7. Protective Fencing Installed by Applicant
8. Fencing Inspected by Building Department
9. Building Permit Process and Site Construction
What is the process for tree removal permits for development projects?

Tree permits are processed as part of the site plan and subdivision plat review process; a separate application is not required.

Tree permits are approved by the Township Board upon recommendation by the Planning Commission and after final site plan approval.

What is required for a tree removal permit for a development project?

The following material must be submitted with a complete site plan or subdivision plat application package (refer to Site Plan and Subdivision Procedures for required number of copies):

☐ One of the following:
  - Original notarized Affidavit of No Regulated Trees.
  - OR -
  - Tree inventory containing all information required by the Shelby Township Tree and Woodland Preservation Ordinance.
  - OR -
  - Sketch plan and written request for waiver of tree inventory requirement.

Refer to the Shelby Township Tree and Woodland Preservation Ordinance for complete definitions, standards, and requirements regarding tree removal permits.
## Common Questions

### What type of protective fencing is required?

Protective fencing shall consist of either 1) orange construction fencing, or 2) soil erosion fencing with the top of the wooden stakes painted orange to distinguish this fencing from soil erosion fencing.

Fencing must be maintained throughout the entire construction process. The installation of protective fencing will be inspected by either the Building Department or the Township Engineer.

### Can I seek a variance from the Tree and Woodland Preservation Ordinance?

Yes. The Zoning Board of Appeals may grant variances from the provisions of the Ordinance when undue hardship may result from strict compliance.

Refer to the Tree and Woodland Preservation Ordinance for variance review standards and the Zoning Board of Appeals Procedures for application requirements.

### How do I know if a tree is regulated?

The Shelby Township Tree and Woodland Preservation Ordinance regulates trees located within woodland areas. Refer to the Ordinance for complete definition of a woodland.

When located outside of woodland areas, regulated trees are those that are seven (7) inches or greater in diameter measured at 4.5 feet above the existing grade (A.E.G.).

### What are the penalties for violation?

Violation of the Shelby Township Tree and Woodland Preservation Ordinance is a misdemeanor and punishable according to State Law.

### Is there an appeal process?

Any person aggrieved by the grant or denial of a tree removal permit may request an appeal of the decision to the Township Board at the next regularly scheduled Township Board meeting following the original action.

The Township Board may act on the appeal at the meeting where it is brought. The Board shall act on the appeal no later than the next regularly scheduled Township Board meeting following the appeal.

### Who do I contact if I have more questions?

Contact the Shelby Township Planning and Zoning Department at:

Phone:  (586) 726-7243  
Email:  planning@shelbytwp.org  
Address:  52700 Van Dyke  
Shelby Township, MI 48316
# Application Form

## Tree Removal Permit

**Administrative Review**

<table>
<thead>
<tr>
<th>Office Use</th>
<th>Canopy: 25%</th>
<th>35% Requirements Met?</th>
<th>☐ Yes</th>
<th>☐ No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Application No.</td>
<td>Date Received</td>
<td>Replacement Trees Required</td>
<td>Approved by</td>
<td>Date</td>
</tr>
<tr>
<td>Review Fee</td>
<td>Receipt No.</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### I. Type of Request

- ☐ NO REGULATED TREES (Affidavit of No Regulated Trees **must** be attached.)
- ☐ REGULATED TREES
  - ☐ TREE INVENTORY ATTACHED
  - ☐ SKETCH PLAN ATTACHED AND WAIVER OF TREE INVENTORY REQUESTED

### II. Applicant

*(A completed Applicant Information Form **must** accompany this application.)*

**Applicant's Name**

**Address**

**City** ______________________ STATE ___________ **ZIP** ___________

**Phone** ______________________ **Email** ______________________

**Interest in Property**

### III. Property Information

**Property Address**

**Subdivision Name** ______________________ **Lot #**

**Property Identification No.**

**Property Size (acres)** ______________________ **Zoning**

**Existing Use** ______________________ **Proposed Use**

**Size of Proposed Structure(s) (square feet)**

### IV. Ownership Information

**Legal Owner**

**Address**

**City** ______________________ **State** ___________ **ZIP** ___________

**Phone** ______________________ **Email** ______________________

### V. Signatures

*(This application form **must** be signed by both the applicant and legal owner of the property.)*

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

**Signature of Applicant**

**Signature of Legal Owner**

(Print/type name of applicant)  
(Print/type name of legal owner)
APPLICANT INFORMATION FORM

Office Use
Application No. ____________ Date Received ____________

Copy of driver’s license attached?
☐ Yes  ☐ No

I. TYPE OF APPLICATION (The appropriate Application Form must accompany this form.)

☐ SITE PLAN  ☐ SPECIAL LAND USE  ☐ TREE PERMIT  ☐ CLASS A NONCONFORMING USE
☐ ZONING BOARD OF APPEALS  ☐ REZONING  ☐ MINOR TEMPORARY USE
☐ CONDOMINIUM SUBDIVISION  ☐ SUBDIVISION  ☐ SIGN PERMIT

II. APPLICANT INFORMATION

NAME ____________________________________________________________

ADDRESS ________________________________________________________

CITY __________________________ STATE __________ ZIP ____________

PHONE __________________________ EMAIL __________________________

DATE OF BIRTH _________________________________________________

DRIVER’S LICENSE NUMBER ________________________________________

(A copy of both side of the applicant’s driver’s license must be attached. Fax copies will not be accepted.)

III. SIGNATURE

The undersigned deposes that the foregoing statements and answers and accompanied information are true and correct.

________________________________________

SIGNATURE OF APPLICANT

________________________________________

(Print/type name of applicant)
AFFIDAVIT OF OWNERSHIP OF LAND

STATE OF MICHIGAN
COUNTY OF

I/We ____________________________________________
Name(s)

of ____________________________________________
Address  City  State  Zip  Phone

the ____________________________________________
of ____________________________________________
Title  Name of Company

being duly sworn, depose(s) and say(s) as follows:

1. The owner(s) of the property described on the attached
   □ Warranty Deed  □ Land Contract  □ Other Document (specify)
is/are as follows:
________________________  ______________________
Name  Address

________________________  ______________________
Name  Address

This property is the subject of a __________________________
Type of application

Application submitted to the Charter Township of Shelby.

2. I/We authorize ____________________________________________
   Name(s)

   the ____________________________________________
of ____________________________________________
Title(s)  Name of Company

   of ____________________________________________
Address  City  State  Zip  Phone

to be my/our designated representative(s) in the processing of the application and to make representations and
commitments on my/our behalf in connection with obtaining approval of my/our request.

________________________________________
Signature of property owner

________________________________________
Title of property owner (if applicable)

________________________________________
(Print/type name of property owner)

Subscribed and sworn to before me on
the ______ day of ________________________, 20______ .
________________________________________, Notary Public
________________________________________ County, Michigan

My commission expires: __________________________
AFFIDAVIT OF NO REGULATED TREES

STATE OF MICHIGAN
COUNTY OF

Applicant: ____________________________

Site Address: ____________________________

Site Lot No.: ________________________

The undersigned being duly sworn, deposes and says:

1. I am the Applicant on the attached Application for a Tree Removal Permit submitted pursuant to the provisions of the Tree and Woodland Preservation Ordinance of the Charter Township of Shelby and have personal knowledge of the fact set forth in the aforesaid Application and this Affidavit.

2. No tree seven (7) inches or greater in diameter when measured at ground level exist on the site.

3. I understand receipt of the aforesaid Application by the Township grants my permission and consent for the Charter Township of Shelby to conduct on-site inspections and investigations.

4. I understand that if one (1) or more trees are found to exist on the site contrary to what is stated in this Affidavit, a tree location survey will be required before my Application will be considered.

Further deponent sayeth not.

______________________________
Signature of Applicant

______________________________
(Print/type name of Applicant)

Subscribed and sworn to before me on the _____ day of ______________________, 20____.

______________________________, Notary Public

______________________________, County, Michigan

My commission expires: ______________________