

## NATURAL FEATURES OVERLAY

### **5:126. Natural features statement of impact.**

When a site plan, a PUD site plan, or final preliminary plat proposes the development of land containing natural features, a natural features statement of impact shall be submitted. The following information shall be provided in the natural features statement of impact:

- (1) As specified in the land development regulations, a site inventory identifying the location of existing natural features and containing a written description of their quality, character, and health.
- (2) A natural features protection plan identifying natural features proposed to be preserved.
- (3) When natural features are proposed to be removed or disturbed, an alternative analysis report containing the following information:
  - (a) Alternative plans that were considered which would limit the disturbance or removal of natural features on and adjacent to the site.
  - (b) Justification for selecting the proposed plan, including a written explanation as to why the proposed disturbance or removal is the minimum necessary to reasonably accomplish the permitted use.
  - (c) A mitigation plan, consisting of a written and graphic description of the proposed measures to mitigate the removal or disturbance of natural features.

(Ord. No. 31-97, § 1, 7-7-97; Ord. No. 49-98, § 5, 1-19-99)

### **5:127. Mitigation of natural features.**

- (1) When a site plan, a PUD site plan, or plat proposes that natural features be removed or disturbed, the following mitigation measures shall be shown on the site plan, the PUD site plan, or plat:
  - (a) Wetlands: Wetland mitigation shall be provided as required by Chapter 60.
  - (b) Endangered species habitat: Endangered species habitat shall be mitigated in accordance with the Michigan Natural Resources and Environment Protection Act, 1994 PA 451, as amended to date.
  - (c) One-hundred year floodplain: Floodplain areas shall be mitigated to provide no net loss of flood storage capacity and shall comply with any conditions of a valid permit from the Michigan Department of Environment Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended to date. If mitigation is proposed off-site, it shall be located in the same watershed as the development site.
  - (d) Landmark trees and woodlands:
    - (i) A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 50% of the original DBH for each landmark tree, or woodland tree 8 inches or larger, that is removed. Replacement trees shall be non-sterile varieties. The minimum size of deciduous replacement tree shall be 1 inch caliper. The minimum size of an evergreen replacement tree shall be 5 feet in height. If more than 20 replacement trees are required, a mixture of 3 or more species must be used.
    - (ii) A replacement tree or a combination of trees of a species native to Michigan shall be provided to equal a minimum of 200% of the original DBH for each landmark tree, or woodland tree 8 inches or larger, that is removed without the approval required by this chapter.
  - (e) Steep slopes: Disturbed areas of steep slopes shall approximate the natural terrain and be planted with native vegetation at the completion of construction. No new drainage may be directed over areas of disturbed slope.

- (f) Watercourses: Mitigation for disturbance of watercourses shall be provided according to the requirements of a valid permit from the Michigan Department of Environmental Quality in accordance with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended to date.
  - (g) All features: Disturbed areas to be reestablished shall be planted with species native to Michigan and characteristic of the plant communities of the area before disturbance. The density and coverage of vegetation (except trees) shall be such that it will approximate the density and coverage before disturbance within 3 years after planting.
- (2) The mitigation measures shown on the site plan or plat shall include:
    - (a) A written description of the mitigation program.
    - (b) Replacement calculations.
    - (c) Planting plan, showing the location of trees, shrubs and ground cover.
    - (d) Plant list, including botanical and common names, caliper sizes, root type, and height.
    - (e) Timing schedule for the implementation of the mitigation measures.
  - (3) Mitigation shall be provided on-site. However, where mitigation cannot be accomplished on the site, all or part of the mitigation may be provided on public land within the city if approved as part of the site plan or plat. Plans for off-site mitigation shall be included as part of the site plan or plat approval.
  - (4) Alternative mitigation measures for not more than 50% of the required mitigation may be allowed by the approving body if each of the following conditions is met:
    - (a) The alternative mitigation is consistent with the Guidelines for the Protection and Mitigation of Natural Features, Attachment A of the land development regulations.
    - (b) The alternative mitigation is specifically approved by the planning commission or city council, depending on which is the approving body.
    - (c) The alternative mitigation provides an overall ecological value to the site or the city that is at least as beneficial as the required mitigation.
    - (d) The alternative mitigation meets 1 of the following standards:
      - (i) It is a restoration or management of an important natural feature on the site or public land in the vicinity.
      - (ii) It provides funds for the management and restoration of important natural features or public lands in the vicinity.
      - (iii) It dedicates important natural areas to the city park system.
      - (iv) It provides funds to the city street tree planting program.
  - (5) Where providing mitigation or alternative mitigation will cause undue hardship, the petitioner may request relief from the approving body as part of the site plan or plat approval. Any such relief granted must be specifically approved by the planning commission or city council, depending on which is the approving body. Relief will be granted only when the petitioner provides evidence supporting all of the following finding:
    - (a) The hardship is exceptional and peculiar to the property and results from conditions which do not exist generally throughout the city.
    - (b) The condition upon which the requested relief is based is not a self-imposed hardship.
    - (c) The relief proposed is the minimum amount necessary to make a reasonable use of the land.

(Ord. No. 31-97, § 1, 7-7-97; Ord. No. 49-98, § 5, 1-19-99)

**5:128. Natural features protection.**

- (1) Natural features shown on a site plan, a PUD site plan, or plat that are to be preserved shall be protected during construction. The following protection measures shall be shown on a drawing provided as part of the site plan, PUD site plan, or plat and followed during construction:
  - (a) Protection measures for wetlands shall be provided as required by Chapter 60.
  - (b) Prior to any development, clearing or other activity for which a permit is required, barrier fencing shall be installed in the following locations to restrict access to protected natural features:
    - (i) At the limits of soil disturbance adjacent to natural features.
    - (ii) At the perimeter of the critical root zone of landmark trees which are located within a disturbance area. Where encroachments into the critical root zone are allowed as part of an approved site plan or plat, the barrier fencing must be located at least 10 feet from the trunk of the tree at all points.
    - (iii) At the edge of required natural features open space.
  - (c) No filling, excavating or storage of materials, debris or equipment shall take place within the fenced area.
  - (d) Barrier fencing shall be a minimum of 4 feet in height and shall remain in place in good condition until it is authorized to be removed by the Building Department.
  - (e) Details of the barrier fencing shall be indicated on the plan, consistent with the City Public Services Department Standard Specifications.
- (2) Any woodland or landmark trees that are determined by the public services area administrator or designee to be dead, dying or severely damaged due to on-site construction activity within 3 years after issuance of a certificate of occupancy or final permit approval for development authorized by an approved site plan, a PUD site plan, or plat shall be replaced by the property owner in the amount specified in the requirements for mitigation of natural features. If the site plan, PUD site plan, or plat has been complied with, replacement shall be at the lesser rate. If the site plan, PUD site plan, or plat has not been complied with, replacement shall be at the greater rate.

(Ord. No. 31-97, § 1, 7-7-97; Ord. No. 49-98, § 5, 1-19-99; Ord. No. 43-04, § 22, 1-3-05)

**5:129. Review criteria for natural features statement of impact.**

In determining whether the proposed disturbance or removal of natural features is limited to the minimum necessary to allow a reasonable use of the land, the approving body shall apply the following criteria, using the Guidelines for the Protection and Mitigation of Natural Features, Attachment A of the land development regulations:

- (1) The importance and overall value of a natural feature, both on the site and on a city-wide basis. In general, the importance of a natural feature increases with its rarity, size, age and condition.
- (2) The existence of overlapping natural features in 1 area. Overlapping natural features increase the importance and overall value for preservation of the area.
- (3) The impact of the proposed disturbance on the integrity of ecological systems or the continuity between natural features. Wherever possible, ecological systems and continuity between features should be preserved.
- (4) The amount of disturbance in relation to the scale of the proposed development and to that permitted by Chapter 55 (Zoning).
- (5) The adequacy of the mitigation plan.

(Ord. No. 31-97, § 1, 7-7-97)

**NOTES:** Taken from City of Ann Arbor Zoning Ordinance, Washtenaw County, Michigan