

2021 Text Amendments - Adopted September 20, 2021

New: **Section 22.54 Clear cutting of trees.**

A. Clear cutting permit

1. Any activity that involves the clear cutting of one or more acres of land and which is not otherwise exempt from this Ordinance, shall be required to obtain a clear-cutting permit from the Township as described below.
2. Exemptions: A clear cutting permit is not required for any of the following exempted activities:
 - a. Clear cutting of less than one acre of land within a twelve-month period.
 - b. Clear cutting on a developed residential parcel of two acres or less, including vacant lots and lots in an approved subdivision or site condominium.
 - c. Clear cutting for a development that has received site plan approval under the provisions of Article 22, Site Plan Procedures, provided that such clear cutting takes place after approval and is in accordance with such approval.
 - d. Clearing of land located within an agricultural zoning district for agricultural purposes.
 - e. Clearing for the maintenance of existing roads, private access easements, driveways, and utility easements.
3. Application requirements: Applicants proposing to clear cut more than one acre of land shall be required to submit the following information:
 - a. Name, address, and contact information of the applicant;
 - b. Written consent of the owner(s) of the land, if the applicant is not the sole owner;
 - c. A site plan of the property, drawn to scale, showing the area to be cleared;
 - d. Amount of land to be cleared (in acres);
 - e. A statement outlining the purpose of the clear cutting or the proposed use of the cleared area;
 - f. Location and dimension of required buffer areas as described in the General Provisions section below;
 - g. Location and description of proposed erosion-control devices or structures, in conformance with the requirements of Section 22.52.C Storm water management standards; Section 22.52.D, Soil erosion control; and tree protection fencing, if required.
4. Upon receipt of the application for a clear-cutting permit, the Zoning Administrator shall inspect the site and review the application. Applicants shall be notified within 15 business days of submitting an application whether it has been approved, denied, or whether additional information is needed.
5. If the Planning & Zoning Administrator determines that the application is in compliance with the provisions of this section, the permit shall be approved administratively. If the Planning & Zoning Administrator determines that the application is not in compliance with the provisions of this section, the permit shall be denied. Any such denial can be appealed to the Zoning Board of Appeals.

Storm water management and soil erosion control plans of a site being clear cut shall be subject to review and comment by the Township Engineer. If it is determined that the erosion control

measures either proposed or implemented by the applicant do not satisfy the general provisions described below, the Township reserves the right to place additional requirements on the clear-cutting permit to rectify such deficiencies.

7. Following approval of a clear-cutting permit, all sites shall be subject to inspection for compliance with this Ordinance.
8. Fee: An application fee may be established by resolution of the Township Board for a clear-cutting permit based upon the cost of processing the review and inspections and would be required upon application for the permit.

B. General provisions of clear-cutting permit

The following provisions will apply to all clear cutting governed by this Section and will be evaluated by staff during the application review process.

1. The site plan shall demonstrate that the proposed use of the clear-cut area is achieved with judicious effort to preserve the integrity of the land, existing topography, natural features (i.e., slopes, woodlands, etc.), and natural drainage patterns; preserves existing woodlands and understory and individual trees to the greatest extent reasonable; and maintains the soil-stabilizing vegetation and avoids altering drainage patterns.
2. To preserve viewsheds along roadways and buffer adjoining properties, a 20-foot wide buffer area of undisturbed vegetation shall be maintained along roadways and property lines. Clear cutting will not be permitted within buffer areas; however, harvesting of select trees within the buffer area and development of roadways may be permitted with approval from the Planning Commission. This provision shall not apply to sites, that through the site plan review process, are subject to the landscaping provisions of Section 21.50 where a minimum 20-foot wide greenspace will be established along the perimeter of the site.
3. During clear cutting and until revegetation or stabilization has taken place, erosion and sediment controls shall be designed and implemented necessary to prevent sediment from leaving the clear-cut site. Unacceptable clearing practices and erosion control measures are those that alter existing drainage patterns and/or cause property damage off-site.
4. The plans for the use or restoration of the site following land clearing shall comply with the standards and requirements of Sections 22.52.A and 22.52.B, as applicable.
5. Tree protection fencing shall be installed around trees to be preserved in the required buffer areas. Tree protection fencing shall meet the requirements of Section 21.65.

C. Enforcement and penalties

1. Any clear cutting, grading, development, or other site work in violation of the requirements of this Section or contrary to the approved plans shall be considered a violation of the Township Zoning Ordinance and enforceable per the requirements of Section 29 of this Ordinance. Enforcement may include, but is not limited to, actions to abate, enjoin or restore the property in question.
2. Where specific trees are designated to be preserved, each such tree that is removed shall constitute a separate offense.



CHARTER TOWNSHIP OF COMSTOCK PLANNING & ZONING APPLICATION

Shipping: 6138 King Highway, Kal., MI 49048
Mailing: PO Box 449, Comstock MI 49041-0449
Phone: 269-381-2360 Fax: 269-381-4328

PLEASE PRINT

PROJECT NAME AND ADDRESS: _____

APPLICANT:

Name _____
Company _____
Address _____
Email _____
Phone _____ Fax _____
Interest in the Property _____

Township Use:
Fee:
\$ _____
Escrow:
\$ _____
Date Paid:

cash/credit card
check # _____

OWNER*:

Name _____
Company _____
Address _____
Email _____
Phone _____ Fax _____

*If different

NATURE OF REQUEST: (Please check all the appropriate item(s))

- | | |
|---------------------------------|-----------------------|
| Site Plan Review | Rezoning |
| Administrative Site Plan Review | Master Plan Amendment |
| Special Exception Use | Text Amendment |
| Site Condominium | Variance |
| Subdivision Plat Review | Interpretation |
| PUD/PURD/PMUD | Planning Escrow |
| Other _____ | |

BRIEFLY DESCRIBE YOUR REQUEST (*Use Attachments if Necessary*):

LEGAL DESCRIPTION OF PROPERTY *(Use Attachments if Necessary):*

PARCEL NUMBER: 3907 - _____

ADDRESS OF PROPERTY: _____

PRESENT USE OF THE PROPERTY: _____

PRESENT ZONING: _____ **SIZE OF PROPERTY:** _____

NAME(S) & ADDRESS(ES) OF ALL OTHER PERSONS, CORPORATIONS, OR FIRMS HAVING A LEGAL OR EQUITABLE INTEREST IN THE PROPERTY:

Name(s)	Address(es)
_____	_____
_____	_____

SIGNATURES

I (we) the undersigned certify that the information contained on this application form and the required documents attached hereto are to the best of my (our) knowledge true and accurate. By submitting this Planning & Zoning Application, I (we) grant permission for Comstock Township officials and agents to enter the subject property of the applicant as part of completing the reviews necessary to process the application. I (we) as Applicant(s), understand that I (we) am responsible for the reimbursement to the Township of its actual expenses in connection with my (our) application, under the Township's Escrow Fee Policy, and I (we) agree to pay such amounts under the terms of that policy.

Applicant's Signature

Date

Owner's Signature authorizing submission of Application
(If different from Applicant)*

Date

**** PLEASE ATTACH ALL REQUIRED DOCUMENTS ****

Copies to:
Planning & Zoning - 1
Applicant - 1
Treasurer - 1
Assessor - 1
Administrative Assistant - Original