

ORDINANCE NO. 18-293

**CITY OF NOVI
OAKLAND COUNTY, MICHIGAN**

AN ORDINANCE TO AMEND THE CITY OF NOVI CODE OF ORDINANCES, ORDINANCE 14-271, THE CITY OF NOVI ZONING ORDINANCE, AS AMENDED AT ARTICLE 5.0, "SITE STANDARDS," SECTION 5.5, "LANDSCAPE STANDARDS: OBSCURING EARTH BERMS AND WALLS, RIGHTS-OF-WAY BUFFERS, AND INTERIOR AND EXTERIOR LANDSCAPE PLANTINGS" IN ORDER TO COMPREHENSIVELY REVISE THE LANDSCAPE PLANTINGS AND BUFFERING REQUIREMENTS OF THE ZONING ORDINANCE.

THE CITY OF NOVI ORDAINS:

PART I. Ordinance 14-271, the City of Novi Zoning Ordinance, as amended at Section 5.0, "Site Standards," Section 5.5, "Landscape Standards: Obscuring Earth Berms and Walls, Rights-of-Way Buffers, and Interior and Exterior Landscape Plantings," is hereby amended in its entirety to read as follows:

5.5 LANDSCAPE STANDARDS: OBSCURING EARTH BERMS AND WALLS, RIGHTS-OF-WAY BUFFERS, AND INTERIOR AND EXTERIOR LANDSCAPE PLANTINGS

1. **Intent.** The intent of this Section is to achieve landscapes with creative placement and attractive designs that:
 - emphasize the preservation of existing natural resources, the use of native plant materials, and a diversity of plant species;
 - preserve and enhance existing woodlands, wetlands and natural open areas;
 - reduce impervious surfaces, enhance storm water management and prevent soil erosion and soil depletion;
 - provide appealing yet opaque visual and audible buffering between non-compatible land uses; and
 - utilize the best ecological concepts and environmental objectives with preservation and sustainability as a priority,

in order to protect and enhance the well-being of the residents of the City of Novi.

Landscape regulation is intended to establish minimum standards for all property in the City. Property owners and occupants are encouraged to exceed these standards, to

minimize paved areas and other run-off areas, and to maximize the areas devoted to attractively designed and well-maintained landscapes.

2. **Landscape Plan Required.** A landscape plan shall be submitted for:

- any new commercial or residential development
- any addition to an existing building that is equal to or greater than a 25% percent increase in the overall square footage of the building or 400 square feet, whichever is less.
- Any increase to an existing parking lot of 10 spaces or more (or equivalent area), or 10% of the existing paved area, whichever is less.

With the exception of Section 5.5.3.F, Individual (Non-Subdivision/Non-Site Condominium) Single-Family Street Tree Requirements, an owner of a single-family home-site shall not be required to comply with the provisions of this section.

All landscape plans shall be prepared in accordance with the requirements of this Ordinance and the requirements of the City of Novi "Landscape Design Manual," as adopted by the City Council by resolution and which may similarly be amended by Council resolution from time to time.

General Landscape Notes:

- For all numerical calculations, round the required square feet or number of plants to the nearest whole number
- Trees are to be located at least 10 feet away from utility structures including catch basins and manholes, and should be at least 5 feet away from underground utility lines whenever possible.
- Plantings may be in formal or informal arrangements

3. **Landscape Requirements.**

A. Residential Adjacent to Non-Residential

- i. Intent. To make provision for a visual buffer strip in each zoning and use classification when a non-residential use abuts or is adjacent to any residential zoning district.
- ii. Requirements for Obscuring Landscaped Earth Berms and Walls. In all locations where non-residential uses abut or are adjacent to any residential district (RA, R-1, R-2, R-3, R-4, RT, RM-1, RM-2, MH and any TC district where developed for residential purposes), an obscuring landscaped earth berm and plantings, as described, shall be proposed, installed and maintained in connection with any development or use identified below. *See below.*

Use Abutting Residential	Required Berm or Wall Height
New Multi-family residential or Mobile Home adjacent to SF residential	6 ft. to 8 ft. high
Parking	4 ft. 6 in. to 6 ft. high
Special Land Use (churches, schools, nursery schools, day care centers, uses where special land use approval is required)	4 ft. 6 in. to 6 ft. high
Office Service/Tech, R&D	4 ft. 6 in. to 6 ft. high
Commercial	6 ft. to 8 ft. high
EXPO, EXO district	8 ft. to 10 ft. high
Conference	8 ft. to 10 ft. high
Freeway Service	8 ft. to 10 ft. high
Town Center (Non-residential use) ¹	6 ft. high wall
Industrial (I-1 and I-2 districts)	10-15 ft. ht. berm, 6 ft. crest width, 80% winter/90% summer opacity (See Section 3.14.5.C and E)
Auto Wash, Drive-In Restaurants, Service Stations, and Planned Commercial Centers and Regional Shopping Centers	10 ft. to 15 ft. high wall or landscaped berm with 6 foot wide crest
Hospital-Ambulance and Delivery Areas	6 ft. high
Utility Buildings, Stations, and/or Substations	6 ft. high

1: Applies when residential sections of TC or TC-1 abut non-residential uses within the same development or other adjacent TC or TC-1 developments' non-residential sections.

- iii. **Exceptions.** Obscuring landscaped berms and walls are not required to *separate identically zoned uses or where uses* are separated by a street, road, highway, freeway or railroad.
- iv. **Placement.** The berm or wall is required to be on the property seeking approval. The berm may be placed upon the adjacent residential property in order to provide continuity with an adjoining berm. In that case, a recorded permanent easement and a maintenance agreement in a form acceptable to the City Attorney will be required from the adjacent property owner.
- v. **Berm Requirements.** The obscuring berm requirements are as follows:

- a. The berm height shall be measured as follows:
- (1) The berm height, as specified in the Residential Adjacent to Non-Residential Berm Requirement Chart (Table 5.5.3.A.ii), shall be analyzed from the following locations, and the final measurement of the berm shall be made from that location which results in the maximum screening:
 - [i] The first floor elevations of the closest adjacent principal structures;
 - [ii] The first floor elevations of the uses requiring screening;
 - [iii] The elevations of the parking lots closest to the property line when only the parking area requires screening; or
 - [iv] The elevation of the nearest property line.

Where a range of height is stated for a use on the Chart, the basic berm height shall be deemed to be the lower measurement, with approving body of the City having the discretion to increase the height up to the higher measurement based upon an application of the following considerations on the non-residential property: intensity of use; noise generation customarily associated with the use; height and aesthetic appearance of buildings and structures; topography; distance of buildings, structures and activities from the common property line; and the extent of disharmony with the adjoining residential use as a result of other considerations.

- (2) The site plan shall include the first floor elevation of the nearest principal structures of the adjacent site's property lines.
- (3) Where the applicant demonstrates, and the Planning Commission finds, that practical difficulties would result from the strict application of berm height standards, as required herein, the Planning Commission may reduce the height of the berm, or eliminate the berm, and may approve an alternate plan which includes landscape treatment or a wall (subject to Section 5.5.3.A.vi below), or a combination of the two, provided that the approved alternate plan achieves adequate noise attenuation and obscuring screening. The Planning Commission may also reduce the height of the berm, or eliminate the berm, where it determines that an alternative design utilizing landscaping or other materials, including a wall subject to Section 5.5.3.A.vi below, provides adequate and effective noise attenuation and screening, or where such alternative design provides

a substantial aesthetic or site design benefit while still providing for noise attenuation and screening to the extent reasonably practicable. The intent of this section is not to encourage and allow elimination or reduction of berm height for the sake of convenience or cost savings, but rather to allow reasonable development while achieving design excellence not otherwise possible under these requirements.

- b. The berm shall be natural in appearance and have overlapping and undulating changes in elevation, both horizontally and vertically, without compromising the minimum height requirement and/or intent of the berm. Where a range of height is stated on the Chart for a use, and the approving body determines berm height based upon the criteria specified in sub-paragraph v.(a), above, the height of the undulations on the berm shall be determined by the approving body as part of site plan approval, taking into consideration the location of improvements and activities to be screened, and the criteria in sub-paragraph v.(a), above.
- c. The obscuring berm shall have no greater than a maximum slope of 33 percent. (3 feet of horizontal plane for each 1 foot of vertical height.) More gradual slopes are strongly encouraged.
- d. Plants shall be specified for any "no mow" areas.
- e. The crest of the obscuring berm shall have a nearly flat horizontal area of at least five (5) feet in width, unless otherwise specified in the previous Berm Requirement Chart.
- f. The required earth berm shall be located at the lot line, except where such location would interfere with underground utilities or drainage.
- g. Where an existing or proposed parking or vehicular use area abuts an existing berm or wall or other durable landscape barrier on an abutting property, said existing landscaping may be used to satisfy the landscape requirements of this part of Section 5.5, provided that it meets all applicable noise attenuation and obscuring screening standards of this Section, and provided that the existing berm, wall, or other durable landscape barrier is required to be maintained consistent with the terms of this section of the ordinance and consistent with the approved site plan. Where the existing berm, wall, or other durable landscape barrier is not otherwise required to be maintained in connection with the adjacent property, the applicant shall be responsible for such maintenance and shall obtain and record a permanent easement and maintenance agreement from the adjoining property owner in a form approved by the City Attorney, making provision for such maintenance.

- h. Where a property has already been lawfully developed for one of the uses listed in the Residential Adjacent to Non-Residential Berm Requirement Chart (Table 5.5.3.A.ii), adjacent residential property which subsequently develops shall provide and maintain the necessary berm.
- i. See Landscape Design Manual for additional requirements.

vi. Wall Requirements.

- a. Freestanding walls shall have all exterior sides constructed of face brick or stone with a suitable cap, and the interior constructed of masonry or reinforced concrete. The Planning Commission may consider materials of equal durability and aesthetic quality.
- b. Walls shall be designed to resist the pressure of the retained material, including live, dead and environmental loads to which they may be subject. Foundations shall be designed to prevent movement due to frost action and a suitable drainage system shall be provided to assure stability. Walls that are 4 feet or greater in height shall be designed and sealed by a professional design or structural engineer. Walls shall not cause flooding or impound water at any time and are subject to Final Site Plan review. (See Design and Construction Standards, Chapter 11, Novi Code of Ordinances).
- c. All other obscuring conditions of this subsection and the Landscape Design Manual must be met.
- d. Timber, boulder, and interlocking concrete masonry unit (CMU) retaining walls are permitted as alternatives to poured-in-place retaining walls for the purpose of terracing, with the provision that they meet commonly accepted practices for construction and reinforcement as required.

vii. Waiver of Landscaped Berm or Wall for Preservation of Wooded Area.

The Planning Commission may waive the requirement for an earth berm or obscuring wall adjacent to a residential use district when the proposed development includes the retention of an existing regulated or non-regulated wooded area adjacent to the residential district, or when an existing regulated or non-regulated wooded area is preserved on the adjacent residential property. In either case, the owners of all such area(s), including the owners of the adjacent residential property, shall provide a permanent preservation easement, including requirements for perpetual maintenance and replacement of woodland features, in recordable form acceptable to the City Attorney for such wooded area, and provided all the following conditions are met:

- a. The retained wooded area will provide effective screening consistent with the opacity for visual screening requirements of this Ordinance and intent of this Section.
- b. The retained wooded area shall be of a depth and height equal to or greater than the screening requirement being waived.
- c. The failure to retain the wooded area will have a negative impact on the preservation of woodlands within the City of Novi.
- d. The retained wooded area has been inspected and evaluated by the City relative to the health and desirability of the existing plant material.
- e. The Planning Commission may require, during construction phases, as a condition to the waiver, additional and/or modified plantings and/or the erection of a temporary chain link fence within or adjacent to the preserved wooded area to meet the opacity requirements and/or other objectives of this Section, and, in the event all or part of the retained wooded area is removed, destroyed, diminished, or altered in any manner such that it no longer provides the screening required under this Section, the berm or wall shall be installed at the applicant's (or its successor's) expense or additional screening material may be required by the City to be installed and maintained at the applicant's (or its successor's) expense in order to achieve the screening objective under this Section.

B. Adjacent to Public Rights-of-Way

- i. Intent. The intent of the landscape planting buffer requirements along public rights-of-way is to improve the appearance of the rights-of-way including screening off-street parking and vehicular use areas of property abutting public rights-of-way.
- ii. Requirements. Landscape plantings shall be installed and maintained adjacent to existing or proposed public rights-of-way according to the standards set forth on the Right-of-Way Landscape Screening Requirements Chart (Table 5.5.3.B.ii.F), and as otherwise established in this ordinance, including the individual zoning district, and in the Landscape Design Manual.
 - 1. There shall be provided adjacent to the abutting right-of-way or private road a landscape area of sufficient width to accommodate a required berm as indicated in the Right-of-Way Landscape Screening Requirements Chart, except in those use districts or development options that require a greater greenbelt, or except as otherwise provided in the TC and TC-1 districts.

2. Berms shall comply with Section 5.5.3.A.v. in terms of construction requirements, with specific requirements as called out in Table 5.5.3.B.ii.f.
3. Hedges planted to screen parking areas shall be planted to achieve a minimum opacity of 90 percent during the summer and 80 percent during the winter and provide a continuous visual obstruction height of at least 36 inches.
4. All landscape areas between the right-of-way and parking areas that front on the required right-of-way greenbelt shall have a berm meeting the height and crest width requirements of the zoning district as specified in Table 5.5.3.B.ii.f, and shall have a maximum slope of 33%.
5. A landscape area shall be planted to provide visual interest and yet allow views into the site. Particular care should be taken in the arrangement of greenbelt plantings to provide a view of the main entrance street address for emergency vehicles from a 20-40 degree angle as you drive toward the building along the primary road frontage.
6. Greenbelts in a Commercial (B-1, B-2 or B-3) district with parking located between the principal building and right-of-way may be planted at a reduced rate, per the greenbelt landscape requirements called for in Table 5.5.3.B.ii.f.
7. If a wall is provided in accordance with the city standard, a reduction of up to 33 percent of the required greenbelt plantings is allowed in the right-of-way greenbelt in front of the parking. This reduction does not apply in cases where parking is between the right-of-way and the building and required landscaping is already reduced.
8. For a residential development abutting one or more major thoroughfare(s), landscape buffers shall be installed and maintained along the entire property line abutting the right-of-way in a non-access greenbelt. In a single-family site development, the required landscape buffer shall not be part of a residential unit or lot.
9. Necessary access ways from public rights-of-way through required landscaped areas shall be permitted. The width of the access drive(s) shall be subtracted from the lineal dimension used to determine the minimum number of trees and shrubs required for greenbelt landscaping and street trees (see illustration in Table 5.5.3.B.ii.f, Footnote 10 below for points of measurement for each).

			Requirements						
Use	Zoning	Berm Located	Greenbelt width (feet)	Min berm crest width (feet)	Min. Berm Height (feet)	3 Foot Wall/ Fence	Deciduous canopy or large evergreen trees: 1 per X linear feet frontage	Deciduous Sub-canopy Trees: 1 per X linear feet frontage	In area between sidewalk and curb: 1 deciduous canopy deciduous tree per X linear feet frontage
Footnotes				1,2,3	1,2,3	2,4	5,7	5,6,7	8,9,10
Single Family Residential	R-A R-1 R-2 R-3 R-4		34	4	4		40	25	35
Two-Family Residential	RT	Adjacent to parking	20	2	3		35	25	35
		Not adjacent to parking	30	2	3		40	25	35
Multi – Family Residential	RM-1 RM-2 MH	Adjacent to parking	20	2	3		35	25	35
		Not adjacent to parking	34	2	3		35	25	35
Residential PRO (13)			Avg 50, Min 34	4	4		40	25	35

5.5.3.B.ii.f Right-of-Way Landscape Screening Requirements (continued)

			Requirements						
Use	Zoning	Berm Located	Greenbelt width (feet)	Min berm crest width (feet)	Min. Berm Height (feet)	3 Foot Wall/ Fence	Deciduous canopy or large evergreen trees: 1 per X linear feet frontage	Deciduous Sub-canopy Trees: 1 per X linear feet frontage	In area between sidewalk and curb: 1 deciduous canopy deciduous tree per X linear feet frontage
Footnotes				1,2,3	1,2,3	2,4	5,7	5,6,7	8,9,10
Commercial /Office	NCC C OS-1 OSC OST B-1 B-2 B-3	Adjacent to Parking	20	2	3		35	20	35
		Not adjacent to parking	25	—	—		60	40	35
		Parking between ROW and at least 67% of primary building (12)	20	2	3		70	40 Plus 3 shrubs per 40 lf	35
Industrial	I-1 I-2	Adjacent to Parking	25	3	3		40	35	45
		Not adjacent to parking	25	—	—		60	40	45
Downtown	TC TC-1	Adjacent to Parking	20	—	—		25 (11)	15 (11)	—
		Not adjacent to parking	—	—	—		30 (11)	20 (11)	—
Misc. Large Use	P-1 Expo EXO RC FS	Adjacent to Parking	20	2	3		35	20	45
		Not adjacent to parking	25	—	—		45	30	45

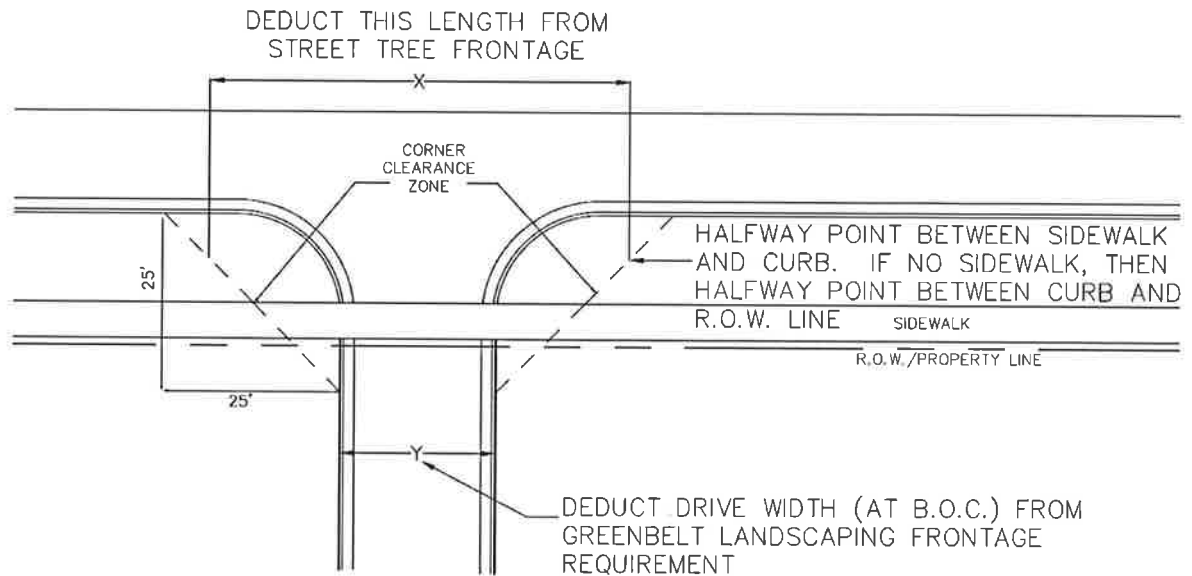
Planned Suburban Low Rise	PSLR	Parking and buildings adjacent to a section line road right-of-way	50	4	3	Not allowed	35	20	35
		Parking adjacent to other right-of-ways	To Front of principal building per Zoning Ordinance Section 3.21.2.A.ii	4	3	Not allowed	35	20	35

FOOTNOTES:

- (1) Shrubs in front of parking areas must provide minimum screening opacity of 80% in winter and 90% in summer and be maintained at a height of at least 3 feet. The use of shrubs in place of the required berm requires a Planning Commission Waiver.
- (2) A wall may be used instead of a berm. If a wall, consistent with footnote (6) below, is provided in front of parking areas, a reduction of up to 33% of the required greenbelt plantings (not street trees) is allowed in the parking greenbelt area. A Planning Commission Waiver is required to use a wall instead of a berm. An ornamental fence with brick piers and shrubs may be used instead of a berm if approved by the Planning Commission as a landscape waiver.
- (3) Freestanding walls shall be constructed of masonry or concrete with all exterior sides of face brick with a suitable cap.
- (4) Sub-canopy trees are to be used under overhead utilities at a rate of 1.5 sub-canopy trees for each one canopy tree required. If columnar/fastigiate varieties are used, 2 sub-canopy trees per canopy tree must be used. Wherever possible, deciduous canopy trees are to be used as street trees.
- (5) Sub-canopy trees used in foundation landscaping may also count toward the right-of-way sub-canopy requirement if the building is located at the rear of the required greenbelt width.
- (6) The width of access aisles through the greenbelt shall be deducted from the basis of calculation (see illustration in footnote #10 below). In situations where sidewalks are not required, the street trees shall be placed midway between the curb line and right-of-way line where possible.
- (7) Street trees shall not be permitted within the 25-foot corner clearance zone (Section 5.9). Roads with Road Commission for Oakland County (RCOC) jurisdiction shall utilize RCOC standards for sight distance in locating street trees. If RCOC does not approve any or all of the trees, those trees shall not be planted, with no penalty to the applicant.

The width(s) of the corner clearance zone(s) shall be deducted from the basis of the calculation for street trees (see illustration below).

Figure 5.5.3.B.ii.Footnote 10



FRONTAGE MEASUREMENT

- (8) In the Town Center districts, deciduous canopy/large evergreen trees or subcanopy trees are required in the greenbelt, but not both. One or the other requirement shall be met, not a reduced combination of both types.
- (9) These requirements only pertain to zoning districts B-1, B-2 and B-3.
- (10) When the development fronts on one or more major thoroughfare(s), the right-of-way greenbelt along that thoroughfare shall be an average of 50 feet width, with a minimum of 34 feet.
 - iii. Private Roads. All private roads and access roads not covered in other sections of this ordinance shall be landscaped with deciduous canopy street trees at a rate of 1 tree per 35 linear feet along both sides of the road, with the same allowances for deducting clear vision zones as noted above in 5.5.3.B.ii Footnote 10.
 - iv. Reduction or Waiver. Except as provided in Section 5.5.3.A.v.a.(3), which governs relief relative to berm height, the Planning Commission may reduce or waive the landscaping screening/buffer right-of-way requirements when it determines that practical difficulties exist due to the parcel size or configuration, or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Examples of such situations include, but are not limited to, when:
 - a. Preservation of Regulated Woodlands or Wetlands or existing trees will occur;

- b. The grade of the site is higher than the road and naturally provides a screen;
- c. Significant architecture or historic buildings, water features, views of natural resources or vistas will be preserved;

The Commission may, as part of its exercise of such authority, allow the:

- a. Use of a wall instead of a berm; or
- b. Use of a wrought iron decorative fence with brick accents or other material of equal aesthetic quality and durability with plantings instead of a berm; or
- c. Use of shrubs/hedge instead of a berm.

C. Parking Area Landscaping Requirements

- i. Intent. The intent of this subsection is to:
 - require curbed landscape islands within parking areas, thereby reducing solid expanses of impervious surfaces
 - decrease runoff
 - shade parking areas, and
 - create aesthetically pleasing and environmentally-enhanced parking areas.
- ii. General Requirements.
 - a. The design and layout of all parking lots and islands shall be subject to review and approval by the City of Novi.
 - b. Islands are to conform to the general requirements in Section 5.3.12.
 - c. Creative island configuration and design is encouraged, such as islands between rows of parking in long, wide planting strips, and/or depressed islands to detain storm water.
 - d. The use of pedestrian walkways in parking lot islands is encouraged, if the islands' paths are at least 5 feet wide with no vehicle overhang or 7 feet wide with vehicle overhang and a 10-foot planting area width is maintained.

- e. Landscaped islands are to be installed with 6 inch curbs to protect landscaping from damage by vehicles (4 inches where vehicles are to overhang the curb). However, periodic openings in curbs, which do not exceed 2 feet in width, shall be permitted for sidewalks and for the purpose of conveying storm water run-off across an island.
- f. If more than 1 island is provided in a parking lot, they are to be distributed evenly throughout the lot.
- g. Each parking lot landscape island shall have:
 - (1) A minimum of 200 square feet in area.
 - (2) A minimum of 200 square feet in unpaved area per tree planted in an island.
 - (3) A minimum dimension of 10 feet in width from back of curb to back of curb.
 - (4) A minimum of 3 feet between the back of a curb and a tree trunk.
 - (5) Islands that project into the parking lot from the side of the lot may be a minimum of 130 square feet in area if that island is at least 10 feet wide and adjoins 70 square feet or more of green space.
- h. For any development other than a single -family or two-family dwelling, the square footage of landscape islands required shall be as specified in the Interior Parking Area Landscape Islands and Canopy Tree Chart (Table 5.5.3.C.iii).
- i. Wheel stops or raised curbing shall be installed to prevent vehicles from encroaching more than 2 feet into any parking landscape area. When adjacent 90 degree parking stalls are reduced from 19 to 17 feet in length, the required 6 inch curbs shall be reduced to 4 inches in height. This applies to both landscape and sidewalk overhangs. Where vehicles overhang a sidewalk, the sidewalk shall have a minimum width of 7 feet.
- j. No plantings with a mature height greater than 12 inches shall be within 10 feet of fire hydrants. Plant materials shall not block the visibility of the hydrant or Fire Department Connections. Islands are to have adequate drainage to the nearest catch basin or adequate areas of amended sandy loam soil, as specified on the plan, to achieve proper drainage. Depressed (sunken) islands are allowed if:
 - (1) the plantings are salt-tolerant

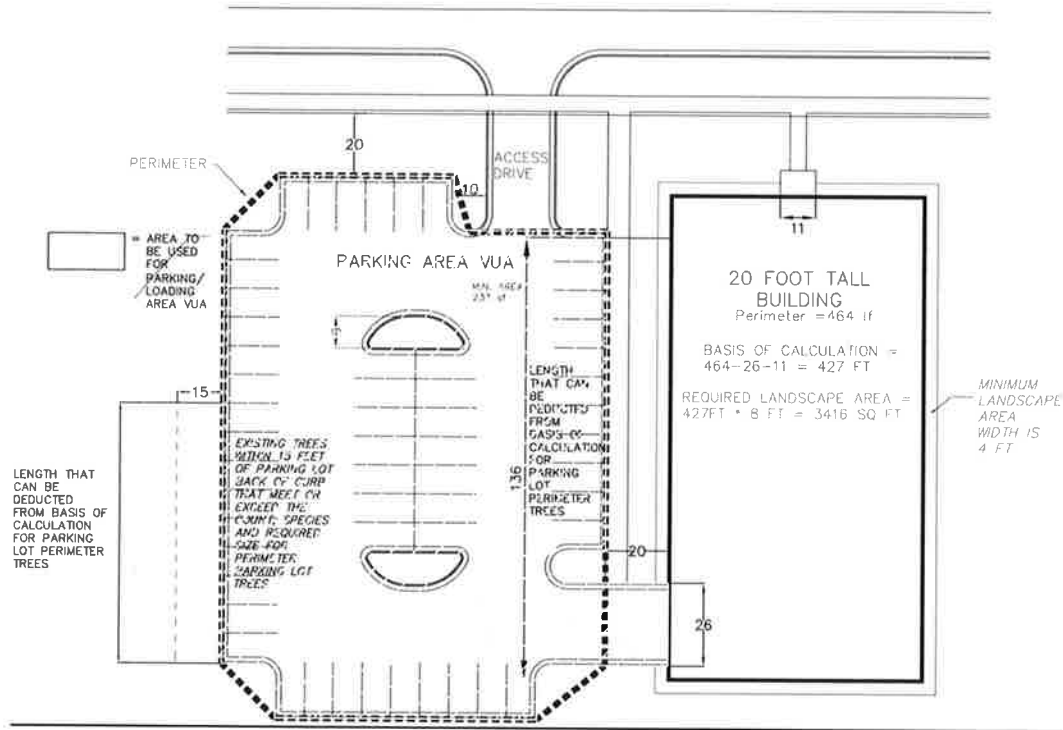
- (2) the islands are designed to provide drainage adequate for survival of the island plantings
 - (3) they meet all City of Novi engineering standards.
- k. Paint, contrasting brick or concrete pavers may be used to delineate stall lines within parking areas.
 - l. Any area within a parking lot not dedicated to parking use, driveways, or sidewalks exceeding 100 square feet, shall be landscaped with a minimum of lawn or other living ground cover.
 - m. All parking lot landscaped areas required herein shall contain at least 1 deciduous canopy tree and lawn or other plantings/groundcovers.
 - n. The total square footage of required interior landscape islands shall be provided as follows:
 - (1) The required square footage shall be provided only within islands that are surrounded by paved parking areas or that project into the parking lot from the perimeter of the parking area, including corner islands, if they meet the requirements of this Section.
 - (2) Within the interior of the parking lot, islands shall be distributed evenly across the paved area.
 - (3) Areas abutting but not within the interior of the parking area shall not be considered as interior landscape area.
 - (4) No bay of parking (defined herein as a single row of side by side parking spaces) greater than 15 parking spaces in length shall be provided except as noted in (5).
 - (5) If the use is primarily vehicular storage (ie automobile dealer vehicle inventory areas, vehicle stockpile areas, semi-trailer storage areas), bays of 25 spaces will be allowed but the required interior landscape area per Table 5.5.3.C.iii must be provided.
 - (6) In order to count toward the total landscape area requirement, an island must contain at least 1 deciduous canopy tree and have the minimum area required of 5.5.3.C.ii.g.
 - (7) If the parking lot layout requires more islands/area than the table below would indicate (such as to break up long bays), each of those additional islands must still meet the area and planting requirements

of 5.5.3.C.ii.g. but perimeter trees may be used in outer and corner islands to help landscape those islands.

- iii. Parking Lot Greenspace and Tree Requirements. The following chart is to be used to calculate the square footage of island space and the number of canopy trees required for Parking Area Interior and Perimeter Landscaping.

5.5.3.C.iii Interior Parking Area Landscape Islands and Perimeter Canopy Tree Chart					
	A	B	C	D	E
Category* Category 1: All zoning districts except for I-1 and I-2 Category 2: I-1, I-2	Total square footage of landscaped islands for VUA areas less than or equal to 50,000 square feet equals:	Total square footage of landscaped islands for VUA beyond the initial 50,000 sf (A) equals:	Total square footage required in interior parking lot islands equals:	Total number of interior landscape deciduous canopy trees:	Perimeter Deciduous Canopy Trees required for parking lot and access drives:
1	$VUA \times 7.5\%$	$(VUA-50000) \times 1.0\%$	A+B	$(A+B)/200$	Perimeter (LF) / 35
2	$VUA \times 6\%$	$(VUA-50000) \times 0.5\%$	A+B	$(A+B)/200$	Perimeter (LF) / 35
Footnotes	1,2	1,2		3,5	4,5
<p>(1) Vehicular Use Area (VUA) includes parking spaces, loading/unloading areas and access aisles within the parking lot. It does not include drives to the Vehicular Use Area or long drives without parking spaces adjacent. (See Figure 5.5.3.C.iii (2))</p> <p>(2) If a vehicular use area is greater than 50,000 sf, the landscape requirement for the first 50,000 sf of VUA is to be calculated per Column A, and the requirement for the remaining VUA is to be calculated per Column B. As an example, a 65,000 square foot parking area in Category 1 would require $50,000 \times 7.5\%$ plus $15,000 \times 1\% = 3750sf + 150 sf = 3900 sf$ landscape area within the parking lot boundary.</p> <p>(3) Corner islands projecting into the parking area and areas at the end of bays must also have trees planted in them and be at least 200sf in area. Perimeter trees may be used in corner and edge islands if the required number of interior trees is less than the total number of islands and corners that need trees.</p> <p>(4) Perimeter trees are required for parking area and access drives to and between parking areas.</p> <p>(5) In areas with overhead utility lines, sub-canopy trees may be used.</p>					

Figure 5.5.3.C.iii



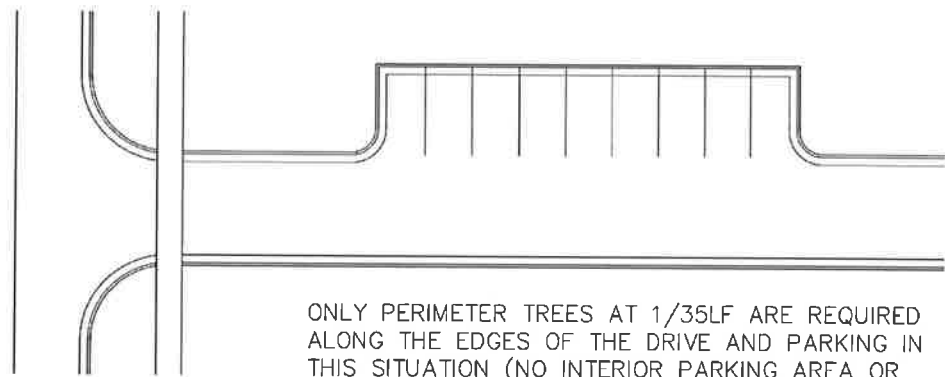
iv. Parking lot perimeter trees

- a. Deciduous canopy trees are required for the outer edge of parking areas and both sides of access drives to parking areas at a rate of 1 tree per 35 lf of perimeter. See illustration above for determination of perimeter length and what constitutes an access drive.
- b. A landscape area at least 10 feet wide (measured perpendicular to the curb) is required along parking lot perimeters and access drives for planting the required trees.
- c. Existing canopy trees within 15 feet of the parking lot perimeter (as measured to the tree trunk) may be counted as perimeter trees. Dense concentrations of existing trees may not be used to meet requirements for other areas of the parking lot.
- d. If the front edge of a parking lot is at the rear edge of the greenbelt, canopy trees in the greenbelt within 15 feet of the parking lot's back of curb (as measured to the trunk), existing or proposed, may also be counted toward the perimeter requirement.
- e. In the case of a project in a Business district (B-1, B-2 or B-3) where parking is between the right-of-way and at least 67% of the primary building, only 1 perimeter tree per 70 lf is required along the front parking

lot edge and greenbelt tree canopy trees within 15 feet of the parking lot curb may also be counted toward the perimeter requirement.

- f. Greenbelt canopy trees within 15 feet of the back of curb of an access drive may double-count toward the access drive perimeter tree requirement.
- g. If a parking lot edge is within 20 feet of a building that frontage does not have to have perimeter trees but sub-canopy trees should be included in building foundation landscaping along that frontage where possible.
- h. While deciduous canopy trees are preferred as perimeter trees, where they would provide desired screening between properties, large evergreen trees may be used for up to 25% of the required perimeter trees. Sufficient space should be provided between the tree and the curb to allow the evergreens to maintain their branches down to ground level when they mature and the lower branches must be maintained as long as they are healthy.
- i. If a parking bay abuts a drive but no other parking, only perimeter trees along the drive and parking are required (no interior parking). See illustration below:

Figure 5.5.3.C.iv



- j. Perimeter canopy trees are also required along access drives with no parking such as, but not limited to, along a building or between parking areas at a rate of 1 tree per 35lf on both sides of the road unless buildings or natural features make such plantings not feasible or undesirable.
- v. Waiver. Based upon a sufficiently documented demonstration by the applicant, the Planning Commission may reduce or waive the parking lot landscape requirements when it determines that practical difficulties exist due to parcel shape or configuration or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Such

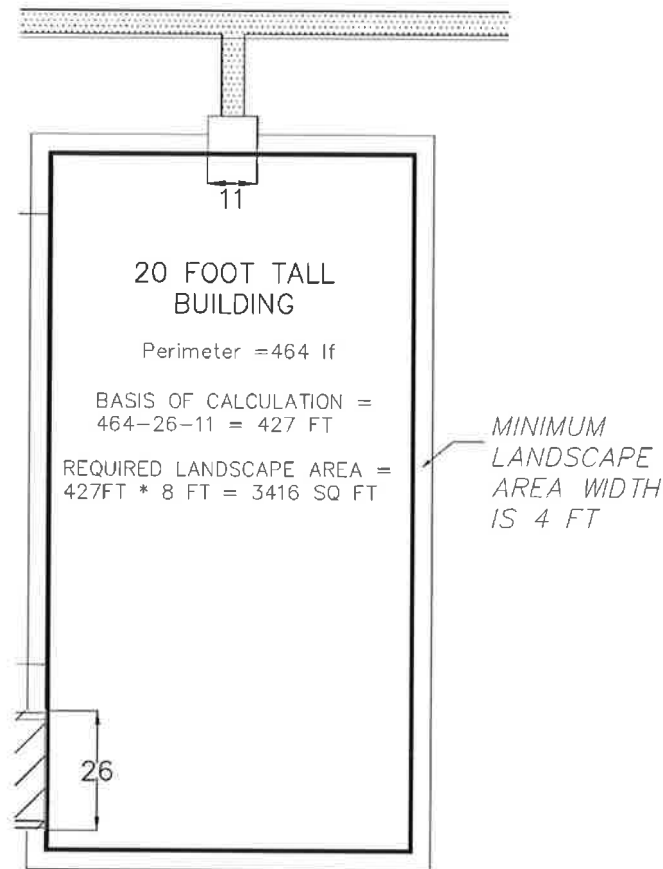
action by the Commission may be taken when any or all of the following conditions will be met:

- a. Preservation of Regulated Woodlands or Wetlands or existing trees will occur;
- b. Storm water runoff impacts will be lessened;
- c. Traffic circulation will be substantially improved;
- d. Vehicular and pedestrian safety will be enhanced.

D. Building Foundation Landscape Requirements

- i. Intent. The intent of this subsection is to provide living landscape space around buildings in order to help integrate them into the surrounding landscape and to improve the aesthetic appearance of the site.
- ii. Requirements. For all buildings or accessory buildings requiring site plan review, the following shall apply:
 - a. There shall be, as a minimum, interior site landscaping square footage equal to the quantity calculated by multiplying the entire perimeter of the building, less the paved access points including walkways to the building (but not including those walkways or drives immediately along the building) and vehicular entrance ways to the building interior (i.e. garage doors) by eight feet. See the Figure 5.5.3.D.
 - b. Landscaped planting beds shall be placed immediately adjacent to the building for as much of the building as possible, with a minimum of 75% of the building foundation having landscaping. Landscape beds must have a minimum width measuring four feet from the building. Creativity of the physical configuration of the landscape planting bed shape and dimension is strongly encouraged. Applicant is encouraged to provide additional greenspace adjacent to the building wherever possible.

Figure 5.5.3.D.



- c. All foundation landscaping areas shall be labeled in square feet on the landscape plan. Lawn areas shall not be considered as part of the required greenspace.
- d. For the front and any other facades visible from a public street, a minimum of 60% of the exterior building perimeter shall be greenspace planted with a mix of trees, shrubs and groundcovers, perennials, grasses, annuals and bulbs. Deciduous canopy and/or large evergreen trees and sub-canopy trees may also be included around the building if separated from the building by the appropriate distances.
- e. If the front and/or a side of the building is at the rear line of the required right-of-way greenbelt, trees included in the foundation plantings of those sides of the building may also count toward the required greenbelt plantings.
- f. With respect to projects within the TC and TC-1 districts, the Planning Commission may waive the 8-foot width calculation requirements if equivalent additional planting and/or decorative paving area or amenities are added adjacent to the building.

- g. There shall be landscaping adjacent to patios/outdoor dining areas.
 - h. In instances where the building has a first floor overhang greater than 2 feet, the landscaping required under this subsection shall begin at the outside edge of the overhang in order to ensure the landscaping receives sufficient sun and water. In those cases, the extent of the overhang should be shown on the landscape plan with a dashed line or other means.
 - i. Foundation landscaping for building perimeter occupied by loading/unloading areas, drive-through lanes or sidewalks along the building may be located on the outside of these areas without requiring a landscape waiver.
 - j. In situations where the building use does not allow landscaping immediately adjacent to the building, alternate placements of required foundation landscaping may be proposed elsewhere on the property. In that case, the alternative area(s) should be clearly labeled as foundation landscaping, with its area in square feet. A Planning Commission waiver is required for the alternate positioning for all cases except as noted above (i).
 - k. Plantings shall be no taller than 12 inches when below or adjacent to a building's Fire Department Connection.
- iii. Waiver Procedure. The Planning Commission may reduce or waive the building foundation landscaping requirements when it determines that the applicant has established that practical difficulties exist due to parcel size or configuration or where the design of the site would be enhanced by an alternative design solution while still meeting the intent of this Section. Such action will be taken by the Planning Commission when:
- a. Particular pedestrian circulation safety concerns inhibit the application of this requirement; or
 - b. Elements or activities that are ancillary to the primary building's function inhibit the application of this requirement; or
 - c. Landscaping has been proposed in other areas on the site that offset the loss of foundation landscaping at the base of the building.

E. Detention/Retention/Sedimentation Basin Landscape Requirements.

All detention basins shall be planted with the minimum requirements as set forth in the Landscape Design Manual and shall be designed to have a natural appearance, utilizing natural looking contours whenever possible. Detention basin maintenance shall be provided per Ordinance Chapter 12, Storm Water Management and the plantings shall be maintained per Section 5.5.6 and Section 5.5.7.

F. Subdivision Planting Requirements

- i. Single-Family Platted Subdivisions or Residential Site Condominiums
 - a. Intent. The intent of this subsection is to create visually appealing single-family residential areas that integrate existing natural resources into the overall landscape design.
 - b. Requirements Adjacent to Major Thoroughfares.
 - (1) That portion of the site abutting major thoroughfare(s) shall include screening plantings and a raised berm per Section 5.5.3.B, contained in a non-access greenbelt easement, labeled as such on the plans, and having a minimum width of 40 feet.
 - (2) Said non-access greenbelt easement shall be part of the development's open space, not part of a lot or residential unit.
 - (3) The screening plantings shall be installed at the time of construction of the subdivision, not individual lots.
 - c. Street Trees and Boulevard Planting
 - (1) Street trees shall be provided in the right(s)-of-way or private access easement for private roads of each lot in accordance with the standards set forth in the Landscape Design Manual, Part I, Section 2.
 - (2) The developer shall submit a landscape plan for all of the street trees to be provided within the development, which shall be reviewed by the City.
 - (3) A Street Tree Financial Guarantee will be collected at a per tree rate as set by City Council prior to the Full Pre-Construction meeting, per Ordinance Chapter 26.5 – Financial Guarantees. There will be no issuance of any Temporary or Final Certificate of Occupancy in the development until this financial guarantee and the Street Tree Maintenance Fee have been paid. No Final Certificate of Occupancy

will be granted until the trees have been planted by the developer and inspected and accepted by the City.

- (4) Trees shall be guaranteed by the developer for two (2) growing seasons after installation and approval by the City. All unhealthy and dead plant material shall be replaced by the developer within three (3) months following notice, or early in the next appropriate planting period as determined by the City.

ii. Single-Family Residential Condominiums without lots/units

a. Intent. The intent of this subsection is to create visually appealing single-family residential areas that integrate existing natural resources into the overall landscape design.

b. Requirements Adjacent to Major Thoroughfares.

(1) That portion of the site abutting major thoroughfare(s) shall include screening plantings and a raised berm per Section 5.5.3.B, contained in a non-access greenbelt easement, labeled as such on the plans, and having a minimum width of 40 feet.

(2) The screening plantings shall be installed at the time of construction of the subdivision.

c. Street Trees and Boulevard Planting

(1) Street trees shall be provided in the right(s)-of-way or private access easement for private roads of each residence at the rate of 1 deciduous canopy tree per dwelling unit.

(2) The developer shall submit a landscape plan for all of the street trees to be provided within the development, which shall be reviewed by the City.

(3) A Street Tree Financial Guarantee will be collected at a per tree rate as set by City Council prior to the Full Pre-Construction meeting, per Ordinance Chapter 26.5 – Financial Guarantees. There will be no issuance of any Temporary or Final Certificate of Occupancy in the development until this financial guarantee and the Street Tree Maintenance Fee have been paid. No Final Certificate of Occupancy will be granted until the trees have been planted by the developer and inspected and accepted by the City.

d. Trees shall be guaranteed by the developer for two (2) growing seasons after installation and approval by the City. All unhealthy and dead plant

material shall be replaced by the developer within three (3) months following notice, or early in the next appropriate planting period as determined by the City. Island and Boulevard Planting

- (1) All islands, boulevards and easements shall be landscaped and irrigated. Islands within a cul-de-sac shall not have any plant materials that may obscure vision across the island between heights of 3 feet to 6 feet as measured from the established street grade. See the Landscape Design Manual for additional requirements regarding the type and size of plantings.
- (2) Island and boulevard plantings will not count toward the required street tree totals and must be maintained by the developer, property owner or homeowner's association, whichever is applicable.
- (3) If an island's or entry's landscaping is to be revised by the homeowner's association, a landscape plan shall be submitted to the City for administrative approval prior to planting.

iii. Multi-Family/Attached Dwelling Units

- a. Intent. The intent of this subsection is to create visually appealing multi-family residential areas that integrate natural resources into the overall landscape design.
- b. Requirements. For all multiple-family or other development with attached dwelling units (other than a single RT dwelling on an individual lot) the following shall apply:
 - (1) Three trees for each dwelling unit on the first floor shall be provided across the site. At least 75% of those trees shall be deciduous canopy or large evergreen trees. The remainder can be sub-canopy or ornamental trees to add diversity to the site.
 - (2) In addition, there shall be one deciduous canopy tree along interior roads for every 35 feet of lineal interior roadway (excluding driveways, interior roads adjacent to public rights-of-way and parking entry drives), along each side of the roadway. The spacing of the deciduous canopy trees along the drive shall be a minimum of 25 feet and a maximum of 35 feet unless driveways require different spacing. In case of overhead utility lines, deciduous sub-canopy trees can be substituted for deciduous canopy trees at a rate of 1.5 sub-canopy tree for each 1 canopy tree. Those sub-

canopy trees would not count toward the limit placed in subsection (1) above.

For purposes of the Financial Guarantee and Maintenance Bond, the trees along the interior drive can be counted as site landscaping, not street trees. Any street trees along public roads are considered to be street trees for Financial Guarantee and Maintenance Bond purposes.

- (3) A mixture of shrubs, sub-canopy trees, groundcovers, perennials, annuals, and/or ornamental grasses shall be provided as foundation plantings covering at least 35% percent of the building perimeter facing the interior drive.
- (4) Parking lots for these developments shall meet the layout and landscaping requirements of 5.5.3.C but unit trees from Requirements section (1) may be used to meet the parking lot interior and perimeter tree requirements.

iv. Non-Residential Subdivisions

- a. Intent. The intent of this subsection is to create visually appealing non-residential areas that integrate existing natural resources into the overall landscape design.
- b. Requirements. For all non-residential subdivisions or non-residential site condominiums, the following landscape requirements shall apply:
 1. Areas abutting the public rights-of-way of major roadways shall be landscaped according to Section 5.5.3.B.ii and provided prior to lot development.
 2. Required landscape screening, where adjacent to residential, per Section 5.5.3.A.ii, is to be installed prior to development of any lots.
 3. Parking lot landscaping requirements per Section 5.5.3.C shall apply to each lot.
 4. Building foundation landscape requirements per Section 5.5.3.D shall apply to each lot.
 5. Screening of outdoor storage, motor vehicles, off street parking, and areas used for vehicle repair, deliveries, unloading, loading or transport is to be provided per Sections 3.14, 3.15, 4.55, 4.56 and Section 5.5.

6. Interior streets of the non-residential subdivision shall be landscaped per each lot as they are built upon as follows (Note: These planting requirements are in place of those in Zoning Section 5.5.3.B except for along public rights-of-way):
 - a. 1 deciduous canopy or one large evergreen tree per 35 linear feet of street frontage is required. Evergreen trees shall be no closer than 20 feet from the street. At least 1 of these trees per 50 linear feet, shall be planted as a street tree (within 15 feet of the street).
 - b. 1 sub-canopy tree and 2 shrubs per 40 feet of total linear frontage along the street are required (these shrubs are in addition to the parking lot screening requirement below).
 - c. Massing of ornamental grasses, perennials, and/or annuals and bulbs is required for 10% of total linear footage adjacent to the street. Use of them is especially encouraged at entry points or to highlight significant design. (Also reference Section 5.9 corner clearance).
 - d. The width of the access drive(s) shall be deducted from the frontage in calculating the above landscape requirements.
 - e. In addition to the above, evergreen shrubs are required to provide screening of parking areas. Shrubs are to be at least 30" in height at planting, 3 feet tall at maturity and/or maintained at a minimum height of 3 feet. A minimum opacity shall be provided and maintained at 80% during winter and 90% percent during summer within 2 years of acceptance by the city. This applies to all sections of parking visible from the street(s).
 - f. An undulating berm with a minimum height of 36" may be used in place of the evergreen hedge to screen the parking lot. However, if the berm is found to be lower than 36", an evergreen hedge will be required to provide the required screening. No landscape waiver is required to use a berm in place of shrubs.

G. Individual (non-subdivision/non-site condominium) single-family requirements

- i. Street trees shall be provided in front of each single-family parcel, in accordance with the standards set forth in the Landscape Design Manual Section 2.a for lots within single-family platted subdivisions.
- ii. The developer/builder or homeowner shall depict the street trees on the plot plan, which shall be reviewed by the City.
- iii. A Street Tree Financial Guarantee will be collected at a per tree rate of set by City Council prior to the issuance of a building permit, in accordance with the provisions of Chapter 26.5 of the Novi Code of Ordinances.
- iv. No Final Certificate of Occupancy will be granted until the street trees have been planted by the developer/builder or homeowner and inspected and approved by the City. Once the trees have been approved, the Financial Guarantee will be reduced to a Maintenance Bond established in Section 26.5, or a minimum amount set by City Council, whichever is higher. The Street Tree Financial Guarantee will not be reduced until the trees have been planted and accepted by the City.
- v. Trees shall be guaranteed by the developer/builder or homeowner for two (2) growing seasons after installation and approval. All unhealthy and dead trees shall be replaced by the developer/builder or homeowner within three (3) months following notice, as determined by the City. At the conclusion of the two-year maintenance period, the owner or builder shall request an inspection of the trees. If the trees are healthy, the Maintenance Bond will be returned to the payer. If required, the maintenance bond will be used to replace any trees not replaced by the developer/builder or homeowner.

4. Landscape Plan Review Standards.

The landscape plan shall be reviewed relative to:

- A. The intent of the overall design of the site and the design of the proposed landscape materials to achieve unique, attractive and significant landscaping on the site as a whole;
- B. The proper type, spacing, height, placement and location of plant materials in order to insure that the intent of this ordinance is met;
- C. The choice and selection of plant materials so as to insure that root systems will not interfere with public utilities and so that fruit and other debris, except leaves, will not constitute a nuisance within public rights-of-way or to abutting property owners;

- D. The choice and selection of plant materials so as to insure that the type of plantings selected will be of a type that will survive and thrive in the area in which they are to be located;
- E. The proper relationship between deciduous and evergreen plant materials exists so as to assure that the desired obscuring effect will be accomplished; and
- F. All requirements of this Section and of the Landscape Design Manual.

5. Installation Specifications.

- A. **Approved Planting Plan.** Wherever in this Ordinance landscape plantings are required or permitted, they shall be planted in accordance with the approved final stamped landscape plan.
- B. **Time of Planting.** All plant materials shall be installed between March 15 and November 15. All installed landscapes including plant materials, mulch, staking, irrigation, and sodding, must be installed and inspected by the City prior to issuance of a Temporary Certificate of Occupancy. At that time, a financial guarantee as set in Section 26.5 to cover any deficiencies will be held until inspection occurs for a Final Certificate of Occupancy. In order to receive a Final Certificate of Occupancy, the deficiencies must be addressed within 30 days during the March 15 to November 15 planting season. Under extraordinary circumstances related to the inability to plant during the approved installation period, a financial guarantee as set in Section 26.5 to cover any deficiencies will be held until the inspection for a Final Certificate of Occupancy. If the deficiencies are not addressed in the time period outlined above, the City will cash in the amount being held for the outstanding items and remedy those items. **Note:** For street trees, a separate financial guarantee is set in Section 26.5.
- C. **Inspections.** A City representative will perform landscape inspections following a request from the developer. The inspection time period is from April 15 to November 15 (actual inspection scheduling depends on plants being in condition to inspect early in the spring or late in fall). If an inspection is requested between November 16 and April 15, a financial guarantee is to be provided based on the amount set in Section 26.5 for the material cost of incomplete items for a Temporary Certificate of Occupancy as outlined above. Beginning April 15, the Applicant then has 30 days to complete items or the City will cash in the amount being held and finish the job with the financial guarantee funds.
- D. **Establishment Period.** The establishment period for the plant material guarantee will begin at the Final Certificate of Occupancy inspection approval and continue to 2 years from that date. All plantings shall be properly planted and be in a healthy, growing condition at commencement of the establishment period. At the end of the establishment period, any plantings which are 20% dead or disfigured (or more) shall

be replaced before a final maintenance period inspection is requested. At that time, all plantings shall be brought up to the condition of the approved landscaping by the developer. If they are not, the City will cash in the amount being held as a maintenance bond for the landscaping and remedy those items.

E. Notice of Installation/Minor changes

- i. The owner or developer must notify the City of the installation schedule. The City may reject any material which is defective or in generally poor condition.
- ii. Minor changes due to, lack of plant availability or minor placement changes due to conditions discovered during construction may be approved in writing by the City Landscape Architect when there is no reduction in the quality of plant materials, no significant change in size or location of plant material, the new plant material is compatible with the area and is the same general type (deciduous/evergreen), exhibiting same design characteristics (mature height, crown), as the material being replaced. If the applicant purchases and/or installs unapproved material, they do so at the risk that they may need to be removed if the change is not approved.
- iii. If these criteria are not fulfilled or changes from the approved plan are significant in terms of number of plantings changed or in planting layout, such that the provided plan is not predominately representative of the actual installed plantings, a revised or as-built plan will be required. An additional review fee or approval by the Planning Commission may also be required, depending on the extent of revisions. An additional inspection fee shall be charged for any landscaping inspection required beyond two.

6. Maintenance

- A. Maintenance shall be carried out on an ongoing basis.
 1. Maintenance of required plantings by the owner shall be carried out so as to present a healthy, neat and orderly appearance, free from dead plants, weeds, refuse, and debris.
 2. It shall be unlawful to intentionally abuse or injure any tree on public or private property.
 3. Trees shall be trimmed or pruned in a natural and proportionate manner per the species/cultivar's natural appearance, in accordance with best management practices of the landscape industry. If severe or aggressive trimming or pruning of a tree that was required to be planted as part of a development plan occurs such that the ordinance's intent for the trees is compromised, the property shall be considered in non-conformity with this ordinance, and the Director of Community

Development or the City's Forester may require the removal and replacement of such tree in accordance with this Chapter.

- B. To insure proper maintenance and as a condition of Final Site Plan approval, the City shall require the property owner to enter into and record with the office of the Oakland County Register of Deeds a Landscape Maintenance Agreement, or include such provisions as part of subdivision restrictions or condominium master deed, each of which shall be approved by the City Attorney. Such instrument shall identify the minimum plan of maintenance, the person or entity responsible for maintenance, and shall provide the procedure, authority and finance for City cure of breaches by the responsible entity. Such instrument shall also include provisions that:
- i. All unhealthy and dead material shall be replaced within three (3) months, or the next appropriate planting period, whichever is deemed appropriate by the City;
 - ii. All landscaped areas shall be provided with a method of providing water for the landscaping during establishment and long-term survival. A permanent irrigation system or other method of providing water on a regular basis must be installed if plantings that require a consistent source of water for survival are part of the landscape;
 - iii. The use of plantings that don't require regular watering once established (xeriscaping), is encouraged. In that case, the applicant must provide a method for providing sufficient water for establishment, and a backup source of water, such as hose bibbs or a statement that water trucks or other means will be used in times of extreme drought. Locations of hose bibbs on the building must be shown on the landscape plan if they will be used.
 - iv. Tree stakes, guy wires and tree wrap are to be removed after one winter season;
 - v. Plantings shall be guaranteed for 2 growing seasons after the date of the acceptance of the installation; and
 - vi. If grass or weeds exceed the height specified in Chapter 21 of the Novi Code of Ordinances, or if shrubs are allowed to obstruct vision across any portion of parking or boulevard islands, or within corner clearance vision zones, and the responsible party is unwilling to rectify the problem, the City will abate such violations and shall assess the cost of such abatement measures in the manner proposed by the developer and approved by the City in such instrument.
- i. *Phragmites* and Japanese Knotweed Control If *Phragmites australis* (commonly known as *Giant Reed*) or Japanese Knotweed (*Fallopia japonica* or related species) are found on the property, all populations of it in the immediate areas of the project shall be shown on the plan. A plan for the species' removal shall be added to the site plan that includes treatment by a licensed pesticide

applicator, using MDEQ-approved means, at the time of site preparation, or the soonest appropriate time after that, and follow-up treatments shall be performed as necessary. The City's Landscape Architect shall determine the extent to which such treatment is required, given the size and condition and other factors related to the property.

- ii. The invasive species' population(s) will be inspected by the City's Landscape Architect at the time of the landscape inspection for approval of the installed landscape. If they were treated prior to such inspection, a copy of the invoice from the vendor who performed the work shall be provided to the City. If it is to be treated after the inspection, the invoice shall be sent to the City when the work is complete. A note to this effect shall be included in the plans with the other notes regarding treatment of the *Phragmites* and/or *Knotweed* on the site.
 - iii. Follow-up treatments during the 2-year maintenance period or beyond may be necessary to completely eradicate regrowth of those populations. Such treatments must be completed as necessary.
 - iv. A follow-up inspection of the status of the invasive species' removal will be done as part of the 2-year landscape maintenance inspection. If further treatment to remove either of the species is determined to be required, such removal shall be done by a licensed pesticide applicator at the appropriate time (per MDEQ recommendations). The 2-year landscape maintenance bond required by this Section will be held until proof of any required follow-up treatment in the form of an invoice for the treatments is provided to the City's Landscape Architect or other approved official.
 - v. Following the 2-year inspection, the landowner is expected to maintain the project location in a condition free of *Phragmites* and/or Japanese knotweed to the extent reasonably practical.
7. **Responsibility and Certificates of Occupancy.** The owner of the property subject to the requirements of this Section shall be responsible for installing and maintaining landscaping per the approved final landscape plan as specified in this Section. Where the property is occupied by a person other than the owner, the occupant shall also be responsible for maintenance.

All landscaping work required pursuant to this Section shall be treated as a site improvement for purposes of Sections 7.7.8 and 7.7.9.


PART II. Severability. Should any section, subdivision, clause, or phrase of this Ordinance be declared by the courts to be invalid, the validity of the Ordinance as a whole, or in part, shall not be affected other than the part invalidated.

PART III. Savings Clause. The amendment of the Novi Code of Ordinances set forth in this Ordinance does not affect or impair any act done, offense committed, or right accruing, accrued, or acquired or liability, penalty, forfeiture or punishment, pending or incurred prior to the amendment of the Novi Code of Ordinances set forth in this Ordinance.

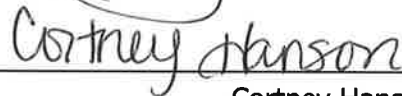
PART IV. Repealer. All other Ordinances or parts of Ordinances in conflict herewith are hereby repealed only to the extent necessary to give this Ordinance full force and effect.

PART V. Effective Date: Publication. Public hearing having been held hereon pursuant to the provisions of Section 102 of Act 110 of the Public Acts of 2006, as amended, the provisions of this Ordinance shall be published within fifteen (15) days of its adoption by publication of a brief notice in a newspaper circulated in the City of Novi stating the date of enactment and effective date, a brief statement as to its regulatory effect and that a complete copy of the Ordinance is available for public purchase, use and inspection at the office of the City Clerk during the hours of 8:00 a.m. to 5:00 p.m., local time. The provisions of this Ordinance shall become effective seven (7) days after its publication.

Made, Passed and Adopted by the Novi City Council this 26th day of October, 2020.



Robert J. Gatt, Mayor



Cortney Hanson, City Clerk

Certificate of Adoption

I hereby certify that the foregoing is a true and complete copy of the ordinance adopted at the regular meeting of the Novi City Council held on the 26th day of October, 2020.



Cortney Hanson, City Clerk

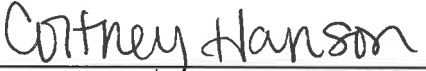
Adopted: 10/26/2020
Published: 11/05/2020
Effective: 11/12/2020

Certificate of Clerk

I hereby certify that the foregoing ordinance was published by posting a copy thereof at each of the following times and places within the City of Novi, on the 27th day of October, 2020.

1. Novi City Hall 45175 Ten Mile Road
2. Novi Library 45255 Ten Mile Road

I do further certify that on the 5th day of October, 2020 said Ordinance Amendment 18.293 was published in brief in the Novi News, a newspaper published and circulated in said City.



Cortney Hanson, City Clerk