ORDINANCE NO. 18.283
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, and 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. With the exception of Section 5.5.5.G, 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 "Landscaping Design Manual," as adopted by the City Council by resolution and which may similarly be amended by Council resolution from time to time.

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 which abut or are adjacent to any residential district (RA, R-1, 2, 3, 4, RT, RM-1, RM-2, MH and any TC district if developed for residential purposes), an obscuring landscaped earth berm and plantings, as described, shall be proposed, approved, installed and maintained in connection with any development or use identified below. Where TC-1 and RM-2 are adjacent to TC-1 and RM-2, a wall and plantings shall be provided as indicated in the following Berm Requirement Chart.

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning</th>
<th>Berm or Wall Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking</td>
<td>P-1 district Off-Street Parking Area</td>
<td>4 ft. 6 in. to 6 ft. high</td>
</tr>
<tr>
<td>Residential/Special Land Use</td>
<td>RM-1, RM-2, and MH districts, churches, schools, nursery schools, day care centers and other uses where special land use approval is required</td>
<td>4 ft. 6 in. to 6 ft. high</td>
</tr>
<tr>
<td>Office Service/Tech</td>
<td>OST, OS-1, and OSC districts</td>
<td>4 ft. 6 in. high to 6 ft. high</td>
</tr>
<tr>
<td>Commercial</td>
<td>B-1, B-2, B-3, RC, and NCC districts</td>
<td>6 ft. to 8 ft. high</td>
</tr>
<tr>
<td>EXPO, EXO district</td>
<td>EXPO district</td>
<td>8 ft. to 10 ft. high</td>
</tr>
<tr>
<td>Conference</td>
<td>C district</td>
<td>8 ft. to 10 ft. high</td>
</tr>
<tr>
<td>Freeway Service</td>
<td>FS district</td>
<td>Height</td>
</tr>
<tr>
<td>-----------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>-----------------------</td>
</tr>
<tr>
<td>Town Center</td>
<td>(a.) TC and TC-1 districts</td>
<td>6 ft. high</td>
</tr>
<tr>
<td></td>
<td>(b.) TC-1 and RM-2 districts</td>
<td>6 ft. high wall</td>
</tr>
<tr>
<td>Industrial</td>
<td>I-1 district</td>
<td>10-15 ft. ht. berm, 6 ft. crest width, 80% winter/90% summer opacity (See Section 3.14.5.E)</td>
</tr>
<tr>
<td></td>
<td>I-2 district</td>
<td>15 ft. ht. berm, 15 ft. crest width, 80% winter/90% summer opacity (See Section 3.15.2.C)</td>
</tr>
<tr>
<td></td>
<td>Special Land Use</td>
<td>10 ft. ht. berm, 6 ft. crest width, 80% winter/90% summer opacity (See Section 3.14.5.E)</td>
</tr>
<tr>
<td>Auto Wash, Drive-In Restaurants, Service Stations, and Planned Commercial Centers and Regional Shopping Centers</td>
<td>Where permitted or approved</td>
<td>10 ft. to 15 ft. high</td>
</tr>
<tr>
<td>Hospital-Ambulance and Delivery Areas</td>
<td>Where permitted or approved</td>
<td>6 ft. high</td>
</tr>
<tr>
<td>Utility Buildings, Stations, and/or Substations</td>
<td>Where permitted or approved</td>
<td>6 ft. high</td>
</tr>
</tbody>
</table>

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, or freeway.

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 elevation of the closest adjacent principal structures;

[ii] The first floor elevation of the uses requiring screening;

[iii] The elevation 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 all adjacent principal structures within 200 feet of the subject 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 5 feet in width. (See the previous Berm Requirement Chart for exceptions.)

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 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 both live and dead 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 greater than 3½ feet 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 retaining walls are permitted for the purpose of terracing.

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.

a. 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.
b. Berms shall comply with Section 5.5.3.A.v., with specific requirements as called out in Table 5.5.3.B.ii.f.

c. The landscape area, if adjacent to parking and vehicular use areas not between the right-of-way and the principal building, shall be planted to achieve a minimum opacity of 90 percent during the summer and 80 percent during the winter. The landscape in this area shall provide a continuous visual obstruction height of 36 inches, plus the required canopy/evergreen or subcanopy trees required per Table 5.5.3.B.ii.f.

d. 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 requirements of the zoning district as specified in the Right-of-Way Landscape Screening Requirements Chart, and shall have a maximum slope of 33% and a crest as specified in the Right-of-Way Landscape Screening Requirements Chart (Table 5.5.3.B.ii.f).

e. 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 street address from a 20-40 degree angle as you drive toward the building along the primary road frontage.

f. Parking areas in a Commercial/Office district with parking located between the principal building and right-of-way shall be planted at a reduced rate, per the greenbelt tree and subcanopy requirements called for in Table 5.5.3.B.ii.f (The berm and street tree requirements are the same as if the parking was not between the building and road).

g. If a wall is provided in accordance with the city standard, a reduction of up to 33 percent of the required greenbelt plantings (not street trees) 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.

h. For a residential development abutting a major thoroughfare, landscape buffers shall be installed and maintained along the entire property line abutting the right-of-way. In a single-family site development, the required landscape buffer shall not be part of a residential unit or lot.

i. Necessary access ways from public rights-of-way through required landscaped areas shall be permitted. The width of the access way(s) shall be subtracted from the lineal dimension used to determine the minimum number of trees required for greenbelt landscaping and street
minimum number of trees required for greenbelt landscaping and street trees (see illustration in Table 5.5.3.B.ii.f, Footnote 17 below for points of measurement for each).

j. The buffering shall not prevent visibility of the main building entry from the public rights-of-way.

<table>
<thead>
<tr>
<th>Use</th>
<th>Zoning</th>
<th>Berm Located</th>
<th>Greenbelt width (feet)</th>
<th>Min berm crest width (feet)</th>
<th>Min. Berm Height (feet)</th>
<th>3 Foot Wall/Fence</th>
<th>Deciduous canopy or large evergreen trees: 1 per X linear feet frontage</th>
<th>Deciduous Sub-canopy Trees: 1 per X linear feet frontage</th>
<th>In area between sidewalk and curb: 1 deciduous canopy deciduous tree per X linear feet frontage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Footnotes</td>
<td></td>
<td></td>
<td>(4)</td>
<td>(9)</td>
<td>(5,6,7)</td>
<td>(2, 8, 9, 14, 17)</td>
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<td>Single Family Residential</td>
<td>R-A R-1 R-2 R-3 R-4</td>
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<td>34</td>
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<td>4</td>
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<td>20</td>
<td>2</td>
<td>3</td>
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<td>25</td>
<td>35</td>
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<td>5,6,7</td>
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<tr>
<td>Multi-Family Residential</td>
<td>RM-1 RM-2 MH Adjacent to parking</td>
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<td>5,6,7</td>
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<td>Residential PRO (20)</td>
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<td>4</td>
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<td>25</td>
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<tr>
<td>Use</td>
<td>Zoning</td>
<td>Berm Located</td>
<td>Greenbelt width (feet)</td>
<td>Min berm crest width (foot)</td>
<td>Min. Berm Height (feet)</td>
<td>3 Foot Well/Fence</td>
<td>Deciduous canopy or large evergreen trees: 1 per X linear feet frontage</td>
<td>Deciduous Sub-canopy Trees: 1 per X linear feet frontage</td>
<td>In area between sidewalk and curb: 1 deciduous canopy deciduous tree per X linear feet frontage</td>
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<tr>
<td>Footnotes</td>
<td></td>
<td></td>
<td>(4)</td>
<td>(9)</td>
<td>(5,6,7)</td>
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<td>(1,2,8,9,13,17,18,19)</td>
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<td>Commercial/Office</td>
<td>NCC C OS-1 OSC OST B-1 B-2 B-3</td>
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<td>(4,5,6,7)</td>
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<td>Not adjacent to parking</td>
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<td>60</td>
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<td>35</td>
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<td></td>
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<td>Parking between ROW and at least 67% of primary building (18)</td>
<td>20</td>
<td>3</td>
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<td>(4,5,6,7)</td>
<td>75</td>
<td>40 Plus 2 shrubs per 40 ft</td>
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<td>Industrial (12)</td>
<td>I-1 I-2</td>
<td>Adjacent to Parking</td>
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<td>3</td>
<td>3</td>
<td>(4,5,6,7)</td>
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<td>35</td>
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<tr>
<td></td>
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<td>Not adjacent to parking</td>
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<td>—</td>
<td>—</td>
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<td>60</td>
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<tr>
<td>Downtown</td>
<td>TC TC-1</td>
<td>Adjacent to Parking</td>
<td>20</td>
<td>—</td>
<td>—</td>
<td>(6,7)</td>
<td>25 (17)</td>
<td>15 (17)</td>
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<tr>
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<td>—</td>
<td>—</td>
<td>—</td>
<td>(6,7)</td>
<td>30 (17)</td>
<td>20 (17)</td>
<td>—</td>
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<tr>
<td>Misc. Large Use</td>
<td>P-1 Expo EXO RC FS</td>
<td>Adjacent to Parking</td>
<td>20</td>
<td>2</td>
<td>3</td>
<td>(5,6)</td>
<td>35</td>
<td>20</td>
<td>45</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Not adjacent to parking</td>
<td>25</td>
<td>3</td>
<td>3</td>
<td>(5,6)</td>
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<td>45</td>
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<tr>
<td>Planned Suburban Low Rise</td>
<td>PSLR</td>
<td>Parking and buildings adjacent to a section line road right-of-way</td>
<td>50</td>
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<td>---------------------------</td>
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<tr>
<td></td>
<td></td>
<td>Parking adjacent to other right-of-ways</td>
<td>4</td>
<td>3</td>
<td></td>
<td>Not allowed</td>
<td>35</td>
<td>20</td>
<td>35</td>
</tr>
</tbody>
</table>

FOOTNOTES:
(1) Round fractions to the nearest whole number for the required number of trees and shrubs.
(2) Subcanopy trees are to be used under overhead utilities. Use 1.5 subcanopy trees for each one canopy tree requirement. If columnar/fastigiate varieties are used, 2 subcanopy trees per canopy tree must be used. The minimum total mature canopy width of the provided subcanopy trees should equal or exceed 25 feet. Wherever possible, however, deciduous canopy trees are to be used as street trees.
(3) Subcanopy trees can be in an informal or formal arrangement. Format spacing shall be 10-foot minimum to 15-foot maximum on center.
(4) Shrubs are to be used to screen parking and vehicular use areas where no berm or wall is provided, and are encouraged to be used in other areas to provide seasonal interest where no parking occurs. 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 (berms are preferred).
(5) Up to 10% of the required trees or subcanopy trees may be replaced with shrubs at a rate of 8 shrubs per canopy tree or evergreen tree, or 5 shrubs per subcanopy tree. The shrubs must be maintained at a minimum height of 3 feet.
(6) A wall may be used instead of a berm. If a wall, consistent with footnote (7) 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.
(7) Freestanding walls shall be constructed of masonry or concrete with all exterior sides of face brick with a suitable cap.
(8) An ornamental fence with shrubs and brick piers may be used instead of a berm if approved by the Planning Commission in Use/Zoning as indicated above. A Planning Commission waiver is required for this substitution.
(9) View channels into the site are to be used for safety visibility. Please provide sight lines to the building address for approaching vehicles at an approximately 20-40 degree angle.
(10) Tree spacing requirements are intended to dictate the tree quantity per linear footage along the proposed right-of-way (ROW). They are not intended to dictate
exact placement on the site within the area of the requirement. Creative landscape design is encouraged.

(11) 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.

(12) 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 their standards for sight distance in locating street trees. If RCOC or does not approve any or all trees, those trees shall not be planted, with no penalty to the applicant.

(13) In industrial subdivisions, a mix of shrubs, ornamental grasses, perennials and/or annuals shall be planted in massed groupings to highlight entrances and views of key elements

(14) The width of access aisles through the greenbelt shall be deducted from the basis of calculation (see illustration in footnote #19 below).

(15) Subcanopy trees used in foundation landscaping shall also count toward the right-of-way subcanopy requirement if the building is located at the rear of the required greenbelt width.

(16) The width(s) of the corner clearance zone(s) shall be deducted from the basis of the calculation for street trees for one access way per street frontage (see illustration in footnote #17 below).

(17) In the Town Center districts, deciduous canopy/large evergreen trees or subcanopy trees are required in the greenbelt, but not both.

(18) These requirements only pertain to zoning districts B-1, B-2 and B-3

(19) Linear deductions allowed for street trees and right-of-way greenbelt landscaping:

(20) When the development fronts on one or more major thoroughfares, the right-of-way greenbelt along that thoroughfare shall be an average of 50 feet width, with a minimum of 34 feet.
iii. 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

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,
   to decrease runoff, to shade parking areas, and to 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 is encouraged, such as islands between rows
   of parking in long, wide planting strips.

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 that are designed 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 length, shall be permitted for the purpose of conveying storm water run-off.

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.

h. For any development other than a single one-family or two-family dwelling, the exact 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 and be no taller than 12 inches when below a Fire Department Connection.

k. 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.

l. 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 the plantings are salt-tolerant and the islands are designed to provide
drainage adequate for survival of the island plantings and meet all City of Novi engineering standards.

m. Paint, contrasting brick or concrete pavers may be used to delineate stall lines within parking areas.

n. 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.

o. All parking lot landscaped areas required herein shall consist of a mix of plant materials such as canopy deciduous trees, subcanopy trees, shrubs, groundcovers (including lawn), ornamental grasses and/or perennials.

p. 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, if they meet the requirements of this Section.

(2) Areas abutting but not within the interior of the parking area shall not satisfy the requirements of this Section.

(3) Within the interior of the parking lot, islands shall be distributed evenly across the paved area so as to distribute the required landscaping throughout the parking 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.

(5) If the use is primarily vehicular storage (i.e., 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 must be provided.

(6) In order to count toward the total landscape area provided, an island must contain at least 1 deciduous canopy tree.

iii. **Greenspace and Parking Lot 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 Canopy Tree Chart

<table>
<thead>
<tr>
<th>Category*</th>
<th>A</th>
<th>B</th>
<th>C</th>
<th>D</th>
<th>E</th>
</tr>
</thead>
<tbody>
<tr>
<td>Category*</td>
<td>Total square footage of landscaped islands for VUA areas less than or equal to 50,000 square feet equals:</td>
<td>Total square footage of landscaped islands for VUA beyond the initial 50,000 sf (A) equals:</td>
<td>Total square footage required in interior parking lot islands equals:</td>
<td>Total number of interior landscape deciduous canopy trees:</td>
<td>Perimeter Deciduous Canopy Trees required equals:</td>
</tr>
</tbody>
</table>

Footnotes:

1. VUA × 7.5%
2. VUA × 5%
3. (VUA-50000) × 1.0%
4. (VUA-50000) × 0.5%
5. A+B
6. (A+B)/200
7. Perimeter (LF) / 35
8. Perimeter (LF) / 35

*Category 1 = OS-1, OSC, OST, B-1, B-2, B-3, C, NCC, EXPO, FS, TC, TC-1, RC Districts and Special Land Uses
*Category 2 = I-1, I-2

Footnotes:

1. Round fractions of trees to the nearest whole number.
2. Vehicular Use Area (VUA) to be used in this calculation includes parking spaces, loading areas and access aisles. It does not include drives to the Vehicular Use Area. See illustration below.
3. 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. The landscaping for the total requirement should be spread evenly across the entire VUA.

As an example, a 65,000 square foot parking area in Category 1 would require 50,000 x 7.5% plus 15,000 x 1% = 3750sf + 150 sf = 3900 sf landscape area within the parking lot boundary.

4. Deciduous canopy trees are required for all interior parking trees. In areas with overhead utility lines, subcanopy trees may be approved at a rate of 1.5 subcanopy trees per 1 canopy tree required.
5. Access drives outside of parking areas shall have perimeter trees planted at the rate of 1 per 35 lf of drive length on both sides of the aisle, ending at the right-of-way/property line. The portion of an access way to the parking lot that passes through the right-of-way greenbelt may be subtracted from the basis of calculation if an equivalent number of greenbelt canopy trees are within 15 feet of the drive and fulfill the requirement for 1 tree per 35 lf.

iv. Parking lot perimeter trees

a. Trees are required for parking areas and access drives to parking areas at a rate of 1 tree per 35 lf of perimeter. See illustration for determination of perimeter length.

b. Parking lot frontages with existing trees within 15 feet of the parking lot perimeter (as measured to the tree trunk) shall be subtracted from the basis of calculation, as long as the trees provided meet or exceed the requirement of 1 tree per 35 lf.
c. If the front edge of a parking lot is at the rear edge of the greenbelt buffer, and canopy trees in the greenbelt, existing or proposed, are within 15 feet of the parking lot's back of curb (as measured to the trunk), those trees can be counted toward the perimeter requirement.

d. In the case of a building in a Commercial/Office district (NCC, C, OS-1, OSC, OST, 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 tree per 70 ft is required along the front parking lot edge. The same allowance for deduction cited in (2) above can also apply in this case.

e. Greenbelt canopy trees within 15 feet of the back of curb of an access drive may count toward the access drive perimeter tree requirement.

f. If a parking lot edge is within 20 feet of a building 20 feet or taller and the building's foundation landscaping has at least 1 subcanopy tree per 35 ft of building frontage along the parking lot, that frontage does not have to have perimeter trees.

g. As they may assist with 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.
h. 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:

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 buildings 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 immediately along the building) and vehicular entrance ways to the building interior (i.e. garage doors) by eight feet. See the diagram below.

b. Landscaped planting beds shall be placed immediately adjacent to the building on at least 75% of the building foundation and have a minimum width dimension of four feet. Lawn areas shall not be considered toward the required greenspace. 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.

c. All foundation landscaping areas shall be labeled as such on the landscape plan, with the area in square feet of that area.

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 subcanopy trees may also be included around the building if separated from the building by the appropriate distances.

e. Also see zoning district Development Standard and Selected References as applicable.

f. If the front of the building is at the rear line of the required right-of-way greenbelt, trees included in the foundation plantings for the front of the building may also count toward the required greenbelt plantings.

g. With respect to projects within the TC and TC-1 districts, the Planning Commission may waive the 8 foot width calculation requirements if significant additional planting and/or decorative paving or amenities are added adjacent to the building.

h. The loading/unloading spaces, entry doors, and drive through aisles are exceptions from having the greenspace adjacent to the building. The length of those elements can be subtracted from the perimeter per the illustration below.

i. There shall be greenspace adjacent to patios.

j. 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.
k. 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.

![Diagram]

Perimeter = 464 ft

Basis of calculation = 464 - 26 - 11 = 427 ft

Required landscape area = 427 ft * 8 ft = 3416 sq ft

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.

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 and native plant materials whenever possible. Detention basin maintenance shall be provided (see Ordinance Chapter 12, Storm Water Management).

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 lots abutting major thoroughfares shall include an approved screen planting and 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 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.

c. Street Trees and Boulevard Planting

(1) Street trees shall be provided in front of each lot in accordance with the standards set forth in the Landscape Design Manual.

(2) A Street Tree Financial Guarantee will be collected at a rate of four-hundred (400) dollars per street tree required 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 has 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.
(3) Trees shall be guaranteed by the developer for two (2) growing seasons after installation. All unhealthy and dead plant material shall be replaced by the developer within three (3) months following notice, or the next appropriate planting period, whichever occurs first. The Street Tree Financial Guarantee will not be reduced and no Final Certificate of Occupancy will be granted until the trees have been planted and approved.

(4) 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.

d. 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 Landscape Design Manual for additional requirements regarding the type and size of plantings.

(2) Island and boulevard plantings do not count toward the required street tree totals.

(3) If an island’s or entry’s landscaping is to be revised by the subdivision association, a landscape plan shall be submitted to the City for administrative approval prior to planting.

ii. Multi-Family/Attached Dwelling Units

a. Intent. The intent of this subsection is to create visually appealing multi-family residential areas that integrate existing natural landscape 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) 3 deciduous canopy trees or large evergreen trees for each dwelling unit on the first floor shall be provided. Evergreens shall be no closer than 20 feet from the roadway.

(2) In addition, there shall be one deciduous canopy tree along interior roads for every 35 feet of lineal interior roadway, along each side of the roadway, excluding driveways, interior roads
adjacent to public rights-of-way and parking entry drives. The spacing of the deciduous canopy trees shall be a minimum of 25 feet and a maximum of 35 feet. In case of overhead utility lines, deciduous subcanopy trees can be substituted for deciduous canopy trees at a rate of 1.5 subcanopy tree for each 1 canopy tree. (See Single-Family Platted Subdivisions or Residential Site Condominiums Sections for specific requirements.)

(3) A mixture of shrubs, subcanopy trees, groundcovers, perennials, annuals, and/or ornamental grasses shall be provided as foundation plantings at the front of each ground floor unit covering at least 35% percent of the front building facade.

iii. 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, Section 5.5.3.A.ii, is to be installed at the time of and as a part of construction prior to development of any lots.

3. Building Foundation Landscape Requirements per Section 5.5.3.D shall apply.

4. Screening of outdoor storage, motor vehicles, off street parking, and areas used to [for] vehicle repair, deliveries, unloading, loading or transport is to be accomplished per Sections 3.14, 3.15, 4.55, 4.56 and Section 5.5.

5. See the Landscape Design Manual for additional requirements for individual lots.

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 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 rate of $400 per street tree required 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 by the City. Once the trees have been inspected, the Financial Guarantee will be reduced to a Maintenance Bond equal to 25% of the material cost of the trees per the Community Development standard costs, or a minimum of $1000, 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. All unhealthy and dead trees shall be replaced by the developer/builder or homeowner within three (3) months following notice, or the next appropriate planting period, whichever occurs first.

vi. All replacement trees shall be guaranteed by the developer/builder or homeowner for an additional two (2) years, after which time a final inspection will be conducted at the request of the developer/builder or homeowner. At that time, 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 ensure that the intent of this ordinance is met;

C. The choice and selection of plant materials so as to ensure 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 ensure 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 of 1.2 times the cost of 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 of one 1.2 times the cost of 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, the financial guarantee is 100% of the $400 per tree.

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 1.2 times 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 shall be replaced.

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 regarding plant materials per the approved and stamped landscape plan may be altered upon written notification to, and written sign-off by, the City Landscape Architect of species, size, change, and location. The proposed changes must be in the form of a marked-up or revised approved landscape plan. If only limited areas are impacted, the entire plan does not need to be submitted.

iii. Minor changes due to seasonal planting problems and lack of plant availability 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.

iv. 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 and an additional review fee will be required.

6. Maintenance

A. 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. 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. It shall be unlawful to intentionally abuse or injure any tree on public or private property. 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 ensure proper maintenance and as a condition of Final Site Plan approval, 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 occurs first;

ii. All landscaped areas shall be provided with a method of providing water for the landscaping during establishment. A permanent irrigation system must be installed if plantings that require a consistent source of water for survival are part of the landscape;

iii. Tree stakes, guy wires and tree wrap are to be removed after one winter season;

iv. Plantings shall be guaranteed for 2 growing seasons after the date of the acceptance of the installation; and

v. 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.

C. Phragmites Control

i. If Phragmites australis (commonly known as Giant Reed) is found on the property, all populations of it shall be treated for removal 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 Phragmites 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 the Phragmites was 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.

iii. Follow-up treatments during the 2-year maintenance period may be necessary to completely eradicate regrowth. Such treatments must be completed as necessary.

iv. A follow-up inspection of the status of the Phragmites removal will be done as part of the 2-year landscape maintenance inspection. If further treatment to remove the Phragmites 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 property in a Phragmites-free condition 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.

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 5th day of June, 2017.

Cortney Hanson, City Clerk

Adopted: 06/05/2017
Published: 06/15/2017
Effective: 06/22/2017

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 6th day of June, 2017.

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

I do further certify that on the 15th day of June, 2017 said Ordinance Amendment 18.283 was published in brief in the Novi News, a newspaper published and circulated in said City.

Cortney Hanson, City Clerk