



MEMORANDUM

TO: MEMBERS OF THE PLANNING COMMISSION
FROM: RICK MEADER, LANDSCAPE ARCHITECT
THROUGH: BARBARA MCBETH, AICP, CITY PLANNER
SUBJECT: WOODLAND ORDINANCE UPDATE
DATE: MARCH 20, 2018

Periodically, the City staff reviews ordinance standards to determine the need for updates. The original Woodland Protection Ordinance was introduced in 1986 and the latest revision was made in 2009. The City's landscape architect, Rick Meader, and Environmental Consultant, Pete Hill, have worked with and reviewed the ordinance over the past two years and have made notes to address concerns encountered with enforcing the ordinance. Two amendments to the ordinance are proposed at this time to help provide better adherence to the goals of the ordinance.

1. An ongoing concern has been with the Woodland Replacement Chart, which has allowed some trees that aren't consistent with the stated goal of the ordinance to "provide for the ... replacement ... of trees and woodlands..." (Sec 37-1(b)(1)). Revisions are proposed to the Woodland Replacement Chart in Section 37 of the Code of Ordinances (Woodlands Protection) with these objectives in mind:

- Removal from the chart of species not native to Michigan as allowed species for woodland replacements.
- Addition to the chart of some native species to increase design flexibility and habitat enhancement.
- Restriction of some plant genera listed in the chart to include just native species. For example, both the American Beech and European Beech are now allowed as we only show "Beech" on the table. The revision restricts the choice to just American Beech.

The proposed changes have been shared with our environmental consultants to get their opinion on species that should and should not be part of the woodland replacement chart. The changes are summarized here:

- Limit *Fagus* (Beech) to American Beech (*Fagus grandifolia*)
- Limit *Juglans* (Walnut) to Black walnut (*Juglans nigra*) and Butternut (*Juglans cinerea*)
- Add: Smooth shadbush (*Amelanchier laevis*)
- Add: Pagoda Dogwood (*Cornus alternifolia*)
- Add: Flowering Dogwood (*Cornus florida*)
- Remove: Yellowwood (*Cladrastis lutea*) - not native to Michigan
- Remove: Sweetgum (*Liquidambar styraciflua*) - not native to Michigan
- Remove: American Bladdernut (*Staphylea trifolia*) - actually a shrub
- Remove: Bald cypress (*Taxodium distichum*) - not native to Michigan
- Remove: Eastern Hemlock (*Tsuga canadensis*) - wooly adelgid is negatively impacting it

In addition, the chart will be sorted by Botanical Name. Currently it is not sorted, making it more difficult to use than it needs to be.

The general hope and expectation in making these revisions is that the city will benefit from a greater number of native species planted around the city.

2. One other change proposed is to limit the percentage of credits that can be gained through the use of native seed mixes on the site. Currently, the ordinance allows 1 replacement credit per 70 square yards of seeded area, with no limit in the amount of credits gained through this provision. Most projects since this ordinance change have made only moderate use of this ordinance provisions, but two recent projects have made significant use of this allowance. One project used it for 32.9% of its woodland replacement credits and another used it for 32.5% of its woodland replacement credits provided. The ordinance has limits ranging from 70% for undersized canopy trees to 30% for small shrubs, but no limit on seed mixes.

The difficulty with seeding is that there is no way to verify the effectiveness of plantings of native seed mixes until 3 years after the seeding occurs, and few if any developments actually maintain naturally seeded areas to get the desired results. Most areas end up being mowed as lawn, or are allowed to be overtaken by weed, so there is little visual or ecological benefit from this replacement.

The change proposed here is to limit the percentage of woodland replacement credits that can be provided with seeding to a maximum of 5 percent. This would allow some areas that would be planted densely to provide true woodlands with a woodland mix to provide a more complete habitat than just a lawn seed mix. The same problems mentioned above related to maintenance would probably still be encountered, but as the shade density of the woods increased, it is likely that the woodland plants in the mix would have an advantage over weeds that need sunlight.

3. The final change is based on a recommendation made by a local landscape designer in response to the proposed changes above. A new category is being added to the Reforestation Credit Table. Projects would now be able to get 1 woodland replacement credit for planting 50 tree or shrub whips at least 24" tall. This is being proposed because many desirable species of trees and shrubs are not commonly available in nurseries at the larger sizes we require. This will allow much more species diversity to be included in replacement plantings. For now, we will restrict the use of this option to just 5% of the total credits required in order to see how it goes from a survival and verification standpoint.

All of these proposed changes are fairly minimal but will provide greater ecological benefits to the city without unduly penalizing residents or developers.

The draft ordinance amendments have been prepared by staff and reviewed by the City Attorney's Office. The proposed changes were shared with landscape architects who frequently do business with the City of Novi to solicit additional comment. The 3rd change is a result of those comments.

Set Public Hearing

On February 7, 2018, the Planning Commission was asked to review the proposed amendments and set a Public Hearing for a subsequent meeting. The public hearing has been set for the Planning Commission meeting on March 28, 2018. No changes to the proposed revisions were requested by the Planning Commission at the February 7 meeting. **At this time, the Planning Commission is asked to hold the required public hearing, and make a recommendation to the City Council**, who will ultimately approve or deny the amendment and may propose alterations as well. The attached staff version of the proposed amendment is subject to review and changes by City staff and/or the City Attorney's Office.

STATE OF MICHIGAN

COUNTY OF OAKLAND

CITY OF NOVI

ORDINANCE NO. 18-125.24

AN ORDINANCE TO AMEND THE CITY OF NOVI ORDINANCE CHAPTER 37 – WOODLANDS PROTECTION, TO MAKE THE WOODLAND TREE REPLACEMENT CHART MORE CONSISTENT WITH THE GOALS OF THE ORDINANCE, AND TO ALSO AMEND THE REFORESTATION CREDIT TABLE TO RESTRICT THE PERCENTAGE OF CREDITS THAT CAN BE GAINED WITH GROUND COVER SEEDING.

THE CITY OF NOVI ORDAINS:

Part I. That the City of Novi Woodlands Protection Ordinance is amended, by amending the Woodland Tree Replacement Chart and the Reforestation Credit Table in Section 37-8, in Chapter 37 - Woodlands Protection, to read as follows:

Woodland Tree Replacement Chart

Common Name	Botanical Name
Red Pine (1.5:1 ratio) (6' ht.)	Pinus resinosa
Paper Birch	Betula papyrifera
Yellow Birch	Betula alleghaniensis
Downy Serviceberry	Amelanchier arborea
Smooth Shadbush	Amelanchier laevis
Eastern Redbud	Cercis canadensis
Northern Hackberry	Celtis occidentalis
American Bladdernut	Staphylea trifolia
Pagoda Dogwood	Cornus alternifolia
Flowering Dogwood	Cornus florida
Kentucky Coffeetree	Gymnocladus dioica
Ohio Buckeye	Aesculus glabra
Black Cherry	Prunus serotina
Black Maple	Acer nigrum
Striped Maple	Acer pennsylvanicum
Mountain Maple	Acer spicatum
American Beech	Fagus grandifolia
Sugar Maple	Acer saccharum
Swamp White Oak	Quercus bicolor
Shingle Oak	Quercus imbricaria
Scarlet Oak	Quercus coccinea
Chinkapin Oak	Quercus muehlenbergii
Red Oak	Quercus rubra
White Oak	Quercus alba

Burr Oak	Quercus macrocarpa
Black Oak	Quercus velutina
Black Walnut	Juglans nigra
Butternut	Juglans cinerea
Shagbark Hickory	Carya ovataovate
Pignut Hickory	Carya glabra
Bitternut Hickory	Carya cordiformis
Sweetgum	Liquidambar styraciflua
White Pine_(1.5:1 ratio) (6' ht.)	Pinus strobus
Hemlock_(1.5:1 ratio) (6' ht.)	Tsuga canadensis
White Spruce_(1.5:1 ratio) (6' ht.)	Picea glauca
Black Spruce_(1.5:1 ratio) (6' ht.)	Picea mariana
Bald Cypress	Taxodium distichum
Yellowwood	Cladrastis lutea
Red Maple	Acer rubrum
American Basswood	Tilia americana
American Sycamore	Platanus occidentalis
Tupelo	Nyssa sylvatica
Tuliptree	Liriodendron tulipferatulipifera
Thornless Honeylocust	Gleditsia triacanthos inermis
American Hornbeam	Carpinus caroliniana
American Hophornbeam	Ostrya virginiana
Eastern Larch	Larix laricina

[NOTE: The chart will also be sorted by Botanical Name.](#)

Reforestation Credit Table

Section 37 - Reforestation Credit Table

Type	Minimum Size	DBH Credit Proposed Plant: Required Replacement	Max. Use Percentage
Canopy trees	1.5" caliper	2:1	70%
Evergreen trees	36" height	3:1	30%
Understory trees	1" caliper	5:1	30%
Large shrubs	30" height	6:1	30%
Small shrubs	18" height	8:1	30%
Perennials	1 gallon cont.	25:1	50%
Tree, shrub whips	24" height	50:1	5%

Groundcover seeding	Per seed source recommendations	70 SY area:1	None 5%
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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 Ordinance or parts of Ordinance 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 103 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 CITY COUNCIL OF THE CITY OF NOVI, OAKLAND COUNTY, MICHIGAN, ON THE ___ DAY OF _____, 2018.

ROBERT J. GATT, MAYOR

CORTNEY HANSON, CITY CLERK

Ayes:

Nays:

Abstentions:

Absent:

reasoning that all existing trees and plantings would need to be removed in order to increase the height, which is hereby granted;

- c. Landscape waiver from Section 5.5.3.D for deficiency of 260 square feet of the required the 2,400 square feet of foundation plantings because the project has a net increase in foundation plantings, which is hereby granted;
- d. The findings of compliance with Ordinance standards in the staff and consultant review letters and the conditions and the items listed in those letters being addressed on the Final Site Plan.

This motion is made because the plan is otherwise in compliance with Article 3, Article 4, and Article 5 of the Zoning Ordinance and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

ROLL CALL VOTE TO APPROVE THE STORMWATER MANAGEMENT PLAN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER HOWARD.

In the matter of Siddiqui Orthodontics JSP17-80, motion to approve the Stormwater Management Plan based on and subject to the findings of compliance with Ordinance standards in the staff and consultant review letters, and the conditions and items listed in those letters being addressed on the Final Site Plan. This motion is made because the plan is otherwise in compliance with Chapter 11 of the Code of Ordinances and all other applicable provisions of the Ordinance. *Motion carried 4-0.*

2. INTRODUCE AMENDMENT TO WOODLAND TREE REPLACEMENT CHART

Set public hearing for consideration of City Code Amendment in order to amend the City of Novi at Chapter 37, Woodland Protection Ordinance in order to modify the list of trees provided in the woodland replacement chart, and to set a maximum for credits received in the use of native seed mixes.

Landscape Architect Meader said the Woodland Ordinance allows certain trees to be used for woodland credits, it doesn't prohibit any trees but it's what they're allowed to get credits for. So working with ECT, we have to review the plans and review the site and the use, and some trees are allowed that we don't think are fitting with the Ordinance intent.

There's Yellowwood, the European Beech, and Sweetgum – they're not native to Michigan and it doesn't seem that they're restoring our woodlands so we'd like to take those off and add some other species that are native to Michigan that aren't on this currently. And for now, take off Hemlock because there's a woody adelgid which is negatively impacting them but if we find that there's a control method that they can be safe to use again, we'd bring it back.

And then the seed mixes, there's limits typically for every other kind of alternative you can use instead of a two and a half inch tree – for example, two smaller trees, big shrubs, that kind of thing. And there's always a limit of certain number of percentage of what they can use, but there's no limit on the use of native seed mixes. And so we've had a couple of projects that have used 30% of their credits just on seed mixes and we have no way of really knowing that it's effective. It takes about three years to really know that anything is happening. So we just want to limit it to 5% so that they can still use it for woodland floor but not allow such a great use of it.

Member Lynch asked if the seed mix is primarily used around the detention basins?

Landscape Architect Meader said this is different, this is just for the general site. The detention basins will still have to have their seed mixes.

Motion made by Member Avdoulos and seconded by Member Howard.

ROLL CALL VOTE TO SET A PUBLIC HEARING MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER HOWARD.

Motion to set a public hearing for Amendment to Woodland Tree Replacement Chart. *Motion passed 4-0.*

Chair Pehrson thanked Landscape Architect Meador for doing that and said it's good to see that we're not just always worried about buildings but also about the landscaping that goes around the building.

3. APPROVAL OF THE JANUARY 10, 2018 PLANNING COMMISSION MEETING MINUTES

Motion made by Member Lynch seconded by Member Howard.

ROLL CALL VOTE TO APPROVE THE JANUARY 10, 2018 MINUTES MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER HOWARD.

Motion to approve the January 10, 2018 Planning Commission Meeting Minutes. *Motion passed 4-0.*

SUPPLEMENTAL ISSUES

Chair Pehrson said two things I'd like to make mention of. One is that Ted Zuchlewski has retired from the Planning Commission effectively to go do Ted stuff, so I just wanted to make him aware of the fact that we appreciated his time and his knowledge and input on the Planning Commission. He will be missed and we wish him well in his next endeavors.

Second, I believe Sri has some guests in the audience that I don't think we've had the pleasure of meeting.

Planner Komaragiri said my mom and her younger sister are visiting from India to stay with us, especially to experience Michigan snow, so she hasn't been disappointed.

Chair Pehrson said we couldn't do this without Sri and I think we can all agree on that.

AUDIENCE PARTICIPATION

No one in the audience wished to speak.

ADJOURNMENT

Moved by Member Avdoulos and seconded by Member Howard.

VOICE VOTE ON THE MOTION TO ADJOURN MADE BY MEMBER AVDOULOS AND SECONDED BY MEMBER LYNCH.

Motion to adjourn the February 7, 2018 Planning Commission meeting. *Motion carried 4-0.*

The meeting was adjourned at 8:44 PM.