

Memorandum

To: John M. Lamerato, Acting City Manager
From: Tonni L. Bartholomew, City Clerk
Date: June 1, 2006
Subject: Agenda Item: D-01 Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards

Due to a major re-write of Chapter 28 and a discrepancy in the original recommended motion submitted to City Council, the attached repealing resolution has been proposed in addition to the postponed adoption resolution. Due to the nature of a repealing ordinance it is recommended that the two resolutions remain separate.

Additionally, a recommended motion to postpone action on the active main motion has been provided. The intent of the postponement is to allow Council to repeal the existing ordinance, Chapter 28 - Tree Regulations, immediately prior to the adoption of active motion on the adoption of Chapter 28 – Tree and Plant Regulations Ordinance. Should it be the desire of the Council to fail the adoption of the active postponed motion, the repealing ordinance should not be considered or should also fail. If the repealing resolution is offered, and is successful, and the new ordinance is NOT adopted, Council should immediately rescind the repealing resolution.

D-1 Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards

Resolution 2006-06-
Moved by Beltramini
Seconded by Schilling

RESOLVED, That Chapter 28 – Tree and Plant Ordinance, a copy of which shall be **INCLUDED** in the original Minutes of this meeting, is hereby **ADOPTED**.

Yes:
No:

Proposed Resolution to Postpone Voting on Resolution to Provide for the Repealing of Chapter 28 - Tree Regulations Ordinance

Suggested Resolution
Resolution #2006-06-
Moved by
Seconded by

RESOLVED, That Troy City Council hereby **POSTPONES** the proposed Resolution, Adoption of City Ordinance, Chapter 28 – Tree Ordinance and the Landscape Design & Tree Preservation Standards, Moved by Broomfield and Seconded by Schilling, until after consideration the proposed Repealing of City Ordinance, Chapter 28 – Tree Regulations Ordinance Resolution.

Yes:
No:

Proposed Resolution to Repeal City Ordinance, Chapter 28 – Tree and Plant Regulations Ordinance

Resolution 2006-06-
Moved by
Seconded by

RESOLVED, That Chapter 28 – Tree Regulations Ordinance, a copy of which shall be **INCLUDED** in the original Minutes of this meeting, is hereby **REPEALED**.

Yes:
No:

CITY OF TROY
REPEAL CHAPTER 28- TREE REGULATIONS
OF THE CODE OF THE CITY OF TROY

Chapter 28, Tree Regulations of the Code of the City of Troy is hereby repealed by the Council of the City of Troy, Oakland County Michigan, at a Regular Meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI on the 5th day of June, 2006 and is effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

Louise E. Schilling, Mayor

Tonni L. Bartholomew, MMC
City Clerk

PUBLISHED: Monday, June 12, 2006

May 1, 2006

TO: John M. Lamerato, Acting City Manager

FROM: Brian P. Murphy, Assistant City Manager/Services
Carol K. Anderson, Parks and Recreation Director

SUBJECT: **Agenda Item:** *City Ordinance, Chapter 28 - Tree Ordinance and the Landscape Design & Tree Preservation Standards*

RECOMMENDATION:

City Management recommends approval of the attached revised versions of City Ordinance, Chapter 28 – Tree Ordinance as well as the Landscape Design and Tree Preservation Standards. The changes in these documents clarify ambiguous sections and include changes as outlined herein. Following the Council study session of April 3, 2006, staff reviewed the comments by Council and public comments and submits Chapter 28 – Tree and Plant Ordinance for approval and the Landscape Design and Tree Preservation Standards for review.

This item was submitted as a Green Memo on March 20, 2006 and revisions were included in the documents reviewed by City Council at their study session on April 3, 2006. Both documents have been reviewed as to form and legality by the City Attorney's office.

BACKGROUND:

The purpose of Chapter 28 is to establish procedures, and practices governing the protection, installation and long-term maintenance of trees, plants, and vegetation within the City of Troy. The Landscape Design and Tree Preservation Standards provide development standards for commercial properties and subdivisions. The following is a general outline of the functions of the two documents:

Chapter 28 – Tree and Plant Ordinance

- *Enforcement:*
- *Maintenance and planting of materials on municipal sites*
- *Responsibilities of private plant owners*
- *Responsibilities of property owner before and during development*

The Landscape Design and Tree Preservation Standards

- *Approval Process for Tree Preservation and Landscape Plans*
- *Request for Variance/Waiver*
- *Information required for review and format for submittal*
- *Tree Preservation and Protection*
- *Fees and Deposits*
- *Inspections*
- *Violations of these Standards*
- *Qualifications and Responsibilities of Individuals*
- *Plant Material Requirements, Site Preparation and Plant Installation*

STUDY SESSION COMMENTS:

The following additional changes resulted from comments by City Council and public at the April 3, 2006 Council study session:

<p>Changes made to Chapter 28 as of 4-3-06:</p>
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Punctuation and grammatical corrections are not noted.

Section 28.01.00 – section #'s removed numbers from line items and bulleted

Section 28.02.00:

- 28.02.02 - redefined "City"
- 28.02.04 – changed (28.02.23) to (28.02.26)
- 28.02.12 – moved "Lawn Extensions" definition from 28.14.02 and added the word "public".
- Renumber definitions 28.02.13 through 28.02.28 to accommodate new definitions
- 28.02.14 – added new definition for "Municipal property".
- 28.02.15 – added new definition for "Municipal Tree".
- 28.02.18 – moved list out of definition and added to 28.06.04.
- 28.02.19 – moved following to 28.08.01 – "There shall be no undue compression of the earth or otherwise impeding or preventing the access of water or air to the root system of the plant or excavation around or removal of soil or earth or the addition of earth or any other materials within the tree protection areas. Building material and other debris shall not be placed inside the tree protection areas."
- 28.02.20d – removed the word "City" and added "owned by the City"
- 28.02.26 – changed (28.02.10) to (28.02.19).

Section 28.04.00:

- 28.04.01 – added the word "trees" and the statement "All State and Federal requirements and restrictions shall be followed when applying weed/pest control to plants in public spaces".
- 28.04.02 – changed "planting" to "installing", changed "planting" to "installation", added "necessary to determine compliance with this ordinance".
- 28.04.03 – reworded leaving amount and type of insurance open.
- 28.04.07 – changed "Plant" to "installation" and "plant" to "install"

Section 28.06.00:

- 28.06.03 – changed (28.02.17) to (28.02.20)
- 28.06.04 – relocated prohibited plant list to this section
- 28.06.04L – separated this section from main body of text and changed (LD35.01.00) to (#LD35.02.00).
- 28.06.04M - separated this section from main body of text.
- 28.06.05 – changed "plants" to "trees (4" DBH and up)" and added "prior to the application and approval by the City for development".

- 28.06.05a – added as new.
- 28.06.06 – reworded for clarity.
- 28.06.07a – added “for said work”.
- 28.06.07b – added “for said work”.

Section 28.07.06 – changed “ordinance” to “section”.

Section 28.08.00:

- 28.08.01 – added “(see 28.02.19)” and added “There shall be.....”
- 28.08.03 - changed “of” to “for”.
- 28.08.05 – changed (28.02.23) to (28.02.26).
- 28.08.06 – changed “may” to “will be allowed”.

Section 28.11.00:

- 28.11.02 – changed “shall” to “are to”
- 28.11.04 – added “All tree guards and stakes shall be removed one (1) year after installation”.
- 28.11.06 – added “stating otherwise”.
- 28.11.08 – changed from 6” to 10” to conform to other existing ordinances.

Section 28.12.00 – added “comply with the requirements of section 28.1.01 through 28.12.03”.

Section 28.13.01 – split this section out text and changed “damages” to “compensation”.

Section 28.14.00:

- Renumbered section after moving definition of “Lawn Extension” to 28.02.00.
- 28.14.02 – added the words “other than normal maintenance” & “maliciously, and/or wantonly”.
- 28.14.04 – added “of public streets” and changed “mechanically edged” to “edged”
- 28.14.05 – removed the word “major” and added “located in public spaces”.
- 28.14.07 – added “of public streets”.
- 28.14.07a – added as new.

Section 28.15.00:

- 28.15.03 – changed “as close as” to “at least
- 28.15.04 - changed “as close as” to “at least and changed “City” to “Director”.
- 28.15.05 – same as 28.15.04 and change “is involved” to “prevents the use of a larger tree”.
- 28.15.06 – changed “may be planted” to “twenty (20) feet or less are permissible plantings”.

Section 28.16.00:

- 28.16.01 – changed “any of the provisions” to “pertaining to public spaces”.
- 28.16.04 – changed “revision” to “edition”.

Section 28.17.00:

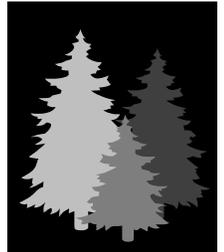
- 28.17.00 – added “she/”
- 28.17.01 – added “or a combination “
- 28.17.02 – moved “except in case of an emergency or imminent danger” to end of sentence.
- 28.17.05 – added “have the right”

Figure #1 – removed the word “Study”

Figure #3 – removed the word “Study”

Figure #5 – added “Large (50+ feet)”, “Medium (30 – 50) feet”, and “Small (15 – 30)”.

Changes made to Landscape Design & Tree Preservation Standards as of 4-3-06:



Title Page - added quote

Approval Process Outline:

1. – added “and Preliminary landscape Plans (LD6.00.00)” & “to Planning Department with Site Plan Review or Special Use Application”
5. – added “which will be forwarded to Planning and/or Building Departments.”
6. – added #6
- 17e – changed “LD34.00.00i” to “LD34.00.00j”.

Section LD1.00.00 – changed “39.30.01 – 07” to “39.30.00” and re-word last paragraph to more accurately define who this standard applies too.

Section LD6.00.00:

- LD6.00.00 – Added “Landscape” and “Preliminary Landscape plans shall be submitted as separate documents”.
- LD6.02.00g – added “(Tree Preservation plan only)”.
- LD 6.02.00l – added “tree preservation”.
- LD6.02.00M – added as new.
- LD 6.02.01 – added as new

Section LD7.00.00 – added “be submitted as one combined document”.

Section 8.00.00:

- LD8.01.00 – changed “LD8.04.00” to “LD8.01.01”.
- LD8.02.00 – changed “LD8.01.01” to “LD8.04.00”.
- LD8.02.01 – added as new.
- LD8.03.02 through LD8.03.04 added as new,
- LD8.04.04 – removed “The City reserves the right to remove these trees from the list of preserved trees” as being redundant (see LD8.04.06)
- LD8.04.05 – reworded from “Trees to be preserved shall be in good to fair condition at the time of development” to “Tree preserved shall be in good condition (as deemed by the Director) for one full year after the final acceptance (closing) of the project by the City”.
- LD 8.05.09 – added as new.

Section LD9.00.00:

- Changed “when making the submittal” to “an application is submitted”.
- Added “Special Use Approval Request, or Tentative Preliminary Plat Approval”.
- Changed “subdivision” to “project”.

Section LD10.00.00 – added “Final Tree Preservation / Landscape Plan shall be submitted as one combined document. The Final Landscape Plan shall be consistent with the Preliminary Landscape Plan used to grant Preliminary Site Plan approval by the Planning commission”.

Section LD13.00.00 – changed “commercial” to “Non-residential”.

Section LD16.00:

- LD16.00.00 – added “Plan”.
- Changed “LD16.02.00d” to “LD16.02.01”.

Section LD19.00.00 – added “Bank Letter of Credit will not be accepted for Maintenance Deposit”.

Section LD19.02.03 – added “otherwise”

Section LD20.00.00 – added “Plan”

Section LD22.03.00c – reworded to read “Additional fees as per LD18.01.00”.

Section LD23.00.00:

- LD23.05.01 – changed “28.02.23” to “28.02.26”.
- LD23.06.00a – changed “fences” to “tree protection barriers”.

Section LD28.00.00:

- LD28.03.00 & 28.04.00 – changed “has not been” to “is not”.
- LD28.05.00 – changed “this procedure” to “the procedures in this section”.

Section LD29.00.00– changed “must have prior to any landscape project coming under the control of this standards” to “are to be”.

Section LD31.00.00 – changed “must have prior to a tree preservation project coming under the control of these standards” to “are to be”.

Section LD35.00.00:

- LD35.02.00 – changed “at this time” to “As of May 8, 2006”.
- LD35.03.00 – added as new.

Section LD 37.00.00 – changed “commercial properties or subdivision” to “Site Plan Approval, Special Use Approval, or Subdivisions Plat Approval”

COMPARISON WITH OTHER COMMUNITIES:

Finally, a comparison of the proposed City of Troy Tree and Plant Ordinance with four other communities is included here. As you can see from the chart titled “**Tree Ordinance Comparison**”, the tree preservation percentages proposed for Troy are less than for the compared communities, although the Troy preservation range is greater.



Tree Ordinance Comparison

	Rochester Hills	Sterling Heights	Rochester	Brighton Twp.	Troy (proposed)
Minimum preservation % of trees	37%	37%	80%	by % canopy	30%
preservation range	6" and up	6" and up	6" and up	10" and up	4" and up
a tree relocation on site allowed	yes	yes	yes	yes	yes
b tree relocation off site allowed	yes	yes	yes	yes	yes
c tree replanting on site allowed	yes	yes	yes	yes	yes
d tree replanting off site allowed	yes	yes	yes	no	yes
City Tree Fund established	yes	yes	no	no	yes
Recommended replacement tree list provided	yes	no	no	no	yes
e Building envelope trees count toward % preserved	no	no	no		no
f Deciduous & coniferous trees included in % preserved	yes	yes	yes	yes	yes

- a - trees can be transplanted from one area to another on the same site
- b - trees can be transplanted from another site to new project
- c - reforestation of tree with new planting permitted
- d - reforestation tree can be located on a different site
- e - tree inside allowable building area can not be counted as preserved trees
- f both types of tree can be counted toward to total % of preserved trees

SUMMARY:

The purpose of Chapter 28 is to establish practices and procedures for the protection, installation, and long-term maintenance of trees, plants and vegetation within the City of Troy. Staff is confident the revisions to the ordinance make it a more understandable, and useful tool toward that purpose.

The revisions to Landscape Design and Tree Preservation Standards will assist developers with the process of landscaping their projects, while ensuring greater preservation of Troy's urban forest.

Approved as to form and legality:

Lori Grigg Bluhm, City Attorney

Chapter 28 - Tree and Plant Regulations

CHAPTER 28 TREE AND PLANT REGULATIONS

28.01.00 PURPOSE AND INTENT. The City acknowledges that Troy's urban forest reduces noise, air pollution, energy costs, reflected light, and flooding, stabilizes soils, sequesters carbon, provides habitat for wildlife and increases the value of all properties in the area and the overall quality of life.

It is the City's intent that the urban forest be protected, preserved and/or restored. To that end the City has created these ordinances, the *Landscape Design and Tree Preservation Standards* and the Building/Developmental Standards.

The purpose of this Ordinance is to establish procedures and practices governing the protection, installation and long-term maintenance of trees, plants and vegetation within the City of Troy. The City's purpose is to:

- Promote the beautification of the City of Troy.
- Create for present and future generations a planned pattern for the urban landscape within the City of Troy.
- Promote reasonable preservation and replenishment of landscaping on existing commercial and public properties and to provide guidelines for protection of plants.
- Safeguard and enhance property values and to protect public and private investment.
- Provide an ordinance that is reasonable and enforceable.
- Promote the awareness of the benefits of effective landscaping.

28.02.00 DEFINITIONS. For the purposes of this Ordinance the following terms, phrases, words, and their derivations shall have the meaning given here. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

28.02.01 CALIPER: the diameter of the tree trunk measured at:

- a. Six (6) inches above the ground level if four (4) inches in diameter or less.
- b. Twelve (12) inches above ground if greater than four (4) inches in diameter.

28.02.02 CITY: The Municipality of the City of Troy, Michigan.

28.02.03 CLEARING: The cutting down and/or removal of plants and/or vegetation from a property whether by cutting or other means.

28.02.04 DAMAGE: Includes any intentional or negligent act which will cause plants to decline and die within a period of three (3) years, including but not limited to such damage inflicted upon the root system by the compaction of the soil within the drip line of a tree during the operation of heavy machinery; the change of the natural grade above the root system, around the drip line, or around the trunk of a plant and/or damage from injury or from fire to vegetation which results in or permits infection or pest infestation. Damage also includes application of soil within the tree protection area (Section 28.02.26) or introduction into the water source, and/or

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release of products, which move through the environment of a plant, any petroleum products, pesticides, toxic chemicals or other injurious materials.

28.02.05 DBH (Diameter at Breast Height): The diameter of the tree trunk measured at 4.5 feet above ground level.

28.02.06 DEPARTMENT: The Department of Parks and Recreation of the City of Troy.

28.02.07 DIRECTOR: Parks and Recreation Director and all employees under her/his direction, authorized by her/him to seek compliance with provision of this ordinance.

28.02.08 DRIP LINE: The drip line of a tree or plant shall be determined by measuring from the center of the trunk to the tip of the farthest branch from the trunk center. This measurement shall be used as the radius of a circle drawn around the plant with the center of the trunk being the center of the circle.

28.02.09 EMERGENCY: An event or events, disease, pest, or condition which has damaged or destroyed a tree or plant such that the continued presence of such damaged or destroyed tree or plant threatens public space in proximity thereto.

28.02.10 IMMINENT DANGER: Any situation or occurrence that would cause directly or indirectly an immediate danger to any person in a public space within the City.

28.02.11 GRADING: The placement, removal or movement of earth or soil on a property by use of mechanical equipment or hand equipment.

28.02.12 LAWN EXTENSIONS: That area between the property line and the curb/road edge of public streets/roads.

28.02.13 LISTED SPECIES: Any plant that is endangered or threatened or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy.

28.02.14 MUNICIPAL PROPERTY: All land, structures, facilities, and plants, owned by the municipality of the City of Troy.

28.02.15 MUNICIPAL TREE: Any tree owned by the municipality of Troy and located on municipal property.

28.02.16 PEST: The full range of dangerous; destructive; or infectious organisms, insects, diseases, pathogens and/or conditions which attack or effect plants or which hinder their development as horticultural subjects. This shall include but not be limited to all biotic and/or abiotic agents.

28.02.17 PLANT(s): Any tree, shrub, bush, perennial, annual, grass or other vegetation, native or introduced.

28.02.18 PROHIBITED PLANTS: Plants that shall not to be planted within the municipal boundaries of the City. (Refer to Temporary Banned Plants in the *Landscape Design and Tree Preservation Standards*, Section LD 35.02.00.)

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- 28.02.19 **PROTECTIVE BARRIER**: (figure #1) a minimum four (4) foot tall plastic mesh barrier constructed at the drip line of the plant to protect the root system and/or trunk of the plant from damage caused by but not limited to: construction, vehicular traffic, storage of equipment, debris, soil, fill or other materials.
- 28.02.20 **PUBLIC NUISANCE**: Any plant:
- With an infectious disease or pest problem that may infect municipal trees.
 - That is dead or dying that has the potential to fall into public spaces.
 - Or limb of any plant that obstruct street lights, traffic signs, free passage of pedestrians or vehicles.
 - That poses a threat to the safety of individuals in public spaces or poses a threat to property owned by the City.
- 28.02.21 **PUBLIC SPACES**: Public streets, rights-of-way, alleys, avenues, lanes, parkways, sidewalks, walkways, trails, parks, open spaces, lots, retention/detention ponds, drains, streams, museums, bridges, parking lots, or paths within the City and all other lands controlled or publicly owned by the City or such land privately owned when such land comes within the purview of this ordinance because of the maintenance or continuation of any hazards injurious to property, or individuals in public spaces or the public interest.
- 28.02.22 **PUBLIC UTILITY**: Any person, corporation or organization owning or operating any pole, pipe, tower, satellite dish or conduit located in any public space or over or along any public easement or rights-of-way for the transmission of electricity, gas, telephone service, inter-net service, or any other means of electronic communication including the television transmission system and/or coaxial C.A.T.V. cable.
- 28.02.23 **ROOT SYSTEM**: The part of the plant, located within the plants drip line, usually but not always underground that holds the plant in position, drawing water and nutrients from the soil.
- 28.02.24 **STREET TREE**: Any tree growing in the rights-of-way of the City of Troy. These trees are generally but not always located between the sidewalk/curb or in the street islands/medians.
- 28.02.25 **TREE**: Any self-supporting woody plant having one or more defined stems or trunks with a DBH of 1.25 inches or more and having a defined crown which customarily attains a mature height of eight (8) feet or greater.
- 28.02.26 **TREE PROTECTION AREA**: The space between the protective barrier and the trunk of the plant (Section 28.02.19 and figure #1). Building material and other debris shall not be placed inside the tree protection area.
- 28.02.27 **TRUNK**: The main stem or body of a plant, to be considered apart from its root system and branches. In the case of a multiple trunked plant, the stem with the largest caliper shall be used for the purpose of this ordinance.
- 28.02.28 **TOPPING (also known as: Dead Heading and Severe Crown Reduction)**: The reduction of the overall size of a tree and/or the severe internodal cutting back of

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branches or limbs to stubs within the trees crown to such a degree so as to remove the normal tree canopy and disfigure the tree. Topping is not a form of pruning.

28.03.00 RESPONSIBILITY: The Director shall be charged with the duty of enforcing the provisions of this ordinance and shall have exclusive jurisdiction and supervision over all plants planted or growing in public spaces.

28.03.01 MAINTAIN, PRESERVE OR REMOVE: The Director shall have the authority and it shall be the Director's duty to plant, trim, spray, preserve and remove trees and other plants and grassy areas in public spaces to insure safety or to preserve the design intent of such public spaces.

28.03.02 Unless otherwise directed by this or other City Ordinance, the Director is not required to notify the public of any actions taken when enforcing the provisions of this ordinance.

28.03.03 ORDER TO MAINTAIN, PRESERVE OR REMOVE: The Director shall have the authority and it shall be her/his duty to order the maintenance, preservation or removal of trees or plants on private property when she/he shall find such tree or plant to constitute a public nuisance.

28.03.04 UNLAWFUL INTERFERENCE: It shall be unlawful for any person to prevent, delay or interfere with the City tree crew, or City contractors while they are engaged in the planting, cultivating, mulching, pruning, spraying, treating, transplanting, or removing any tree on municipal property as authorized in this ordinance.

28.03.05 ISSUE CONDITIONAL PERMITS: The Director shall have the authority to affix reasonable conditions to the granting of a permit issued in accordance with the terms of this ordinance. Permits issued under this Ordinance shall be obtained through the Department of Parks and Recreation. Any conditions granted by the Director shall be based on current City policies.

28.03.06 SUPERVISION: The Director shall have the authority and it shall be her/his duty to supervise all work done under a permit issued in accordance with the terms of this ordinance.

28.04.00 PERMITS FOR PLANTING, CARE AND REMOVAL OF PLANTS-PUBLIC SPACES: The Director shall be charged with the duty of issuing and enforcing permits issued to residents, individuals, groups, organizations, companies, and/or corporations for the planting, care and removal of plants in public spaces.

28.04.01 PRESERVE, REMOVE OR TREAT: No person shall trim, spray, transplant, remove or cause/authorize any person to trim, spray, transplant, or remove trees, plants or grassy areas in public spaces without first filing an application and procuring a permit from the Director. This excludes the treatment of turf grasses, trees and plants in the Lawn Extensions (Section 28.14.00) with weed/pest control and fertilizer when done in conjunction with the adjoining private areas. All State and Federal requirements and restrictions shall be followed when applying weed/pest control to plants in public spaces.

28.04.02 APPLICATION DATA: The application required by this ordinance shall state the

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- number, size and variety of plants to be trimmed, sprayed, preserved, transplanted, or removed; the kind of treatment to be utilized, the kind and condition of nearest plants upon the adjoining property. If installing, the application shall include drawings which indicates the variety and number of each plant type, the location, plant grade, and method of installation, including the supplying of suitable soil or soil amendments. When deemed necessary Director reserves the right to request additional information necessary to determine compliance with this ordinance.
- 28.04.03 **INSURANCE:** Before any permit shall be issued, each applicant shall first contact the City Risk Manager who will set actual amounts and types of insurance required for proposed work.
- 28.04.04 **STANDARDS FOR ISSUANCE:** The Director shall issue the permit provided for in this ordinance when it is found that the desired action or treatment is necessary, effective, and appropriate and that the proposed method and workmanship is satisfactory and that such action is in conformance with this ordinance, the *Landscape Design and Tree Preservation Standards* and *City Developmental Standards*.
- 28.04.05 **PERMIT ISSUANCE:** This permit shall be issued at the Department of Parks and Recreations, in the Troy Community Center – 3179 Livernois, Troy, MI 48083-5029.
- 28.04.06 **REVOKING PERMIT:** The Director may revoke a permit when the permit holder refuses or neglects to comply with any of the provisions of this ordinance, the *Landscape Design and Tree Preservation Standards*, or specific conditions outlined in the permit.
- 28.04.07 **INSTALLATION:** No person shall install or set out any tree or plant in public spaces without first filing an application and procuring a permit from the Director.
- 28.04.08 **NOTICE OF COMPLETION:** A notice of work completion concerning all plantings, transplanting, removals, pest control or major pruning shall be given by the permit holder, within five (5) days of completion of the permitted work, to the Director for inspection and approval. Permit holder will be notified of any required corrections, changes, alterations, or deficiencies. Notification shall include scheduling for required work.
- 28.05.00 **PLANT REMOVAL - PUBLIC SPACES:** The Director shall be charged with the duty of removing or ordering removal of plants in public spaces:
- 28.05.01 The Department shall have the right to remove trees and/or plants in public spaces as may be necessary to ensure safety or to preserve the design intent of such public spaces.
- 28.05.02 The Director may remove or cause or order to be removed, any tree or plant or part thereof which is in any unsafe condition or which is a prohibited species, or is affected with any injurious disease, fungus, pest, or otherwise be considered by the City to be a public nuisance.
- 28.05.03 Whenever the Department shall remove a plant, solely for the purpose of

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constructing any public work, the Director shall, if practical, replace the same at public expense, at some nearby location by planting another plant, but not necessarily of the same type or size.

28.06.00 DUTIES OF PRIVATE PLANT OWNERS: It shall be the duty of any person, organization, company, group, association, or corporation growing trees and plants within the City to:

28.06.01 TRIM: To trim her/his trees and plants so as not to cause a hazard to public spaces or interfere with the proper lighting of public spaces by the streetlights.

- a. Any overhead portions of a plant/tree shall be a minimum of eight (8) feet above the surface of the street, sidewalk, trail system, or rights-of-way, which ever has the highest elevation and a minimum of one (1) foot off sidewalk (figure #4).
- b. All private plants shall be pruned so that the above ground portions do not extend beyond the property line into public spaces.
- c. Said person shall remove all dead, diseased, or dangerous trees and plants, or broken or decayed limbs which constitute a menace to the safety of the public in public spaces or which the City would otherwise consider a public nuisance.
- d. Plants installed in the Corner Clearance Zone (figure #2 and Section 28.12.00) shall be pruned and maintained to a height not to exceed thirty (30) inches above established street grade for shrubs and the lowest branch on a tree shall be eight (8) feet above the established street grade.
- e. Private trees planted within thirty (30) feet of municipal property shall be pruned to allow the natural growth and development of the municipal tree.

28.06.02 CITY TRIMMING: The City shall have the right to trim any trees and plants on private property which interfere with vehicular and/or pedestrian traffic in public spaces or the proper spread of light along the street from street lights, or interferes with visibility of any traffic control device / signs or would otherwise be considered by the City to be a public nuisance. Such trimming is to be confined to that work deemed necessary by the City to eliminate the interference or public nuisance. Property owner will be given 24 hours notice prior to removals unless need for removal is created by an emergency or an imminent danger. The Property owner shall pay all costs incurred by the City.

28.06.03 PRIVATE PLANTS - DISEASED, INFESTED, DAMAGED, DEAD, OR CREATING A HAZARD: When the Director shall discover any tree or plant on private property within the City is creating a public nuisance (Section 28.02.20), the Director shall serve an order upon the property owner in the manner specified in Section 28.17.00 of this ordinance. This order shall describe the tree or plant, its location and condition and order the property owner to take such measures as may be reasonably necessary. Such order may require the pruning, spraying or destruction and/or removal of the tree or plant. Such order may indicate the manner of disposal for all debris created by the required destruction and removal. Every such order shall be completed within ten (10) business days after the notice has been issued, or within such time as may be stipulated in such order as provided in Section 28.17.02. In the event of an emergency or imminent danger situation the Director shall have the authority to take immediate action as is necessary to abate the situation. The Property owner shall pay all costs incurred by the City. The City does

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not chip private plant debris.

28.06.04 **PROHIBITED PLANTS:** The general public, individuals, groups, organizations, or corporations shall not plant or cause to be planted any of the following plants within the municipal boundaries of the City.

- | | | |
|----|-----------------------------|---|
| a. | Acer saccharinum | Silver Maple |
| b. | Acer negundo | Box Elder |
| c. | Acer platanoides | Norway maple |
| d. | Ailanthus altissima | Tree of Heaven |
| e. | Catalpa speciosa | Northern Catalpa |
| f. | Fraxinus spp. | Ash, all forms |
| g. | Paulownia tomentosa | Royal Empress Tree |
| h. | Populus spp. | Poplar / Cottonwood |
| i. | Pyrus calleryana 'Bradford' | Bradford Pear |
| j. | Salix spp. | Willow (excluding shrub forms) |
| k. | Ulmus | Elm (excluding cultivars of U. parvifolia and U. americana) |

l. Refer to Temporary Banned plants in the *Landscape Design and Tree Preservation Standards* Section LD35.02.00.

m. The Director, on a case-by-case basis, can approve exceptions to this prohibition. Approval by the Director shall be based on current City policies.

28.06.05 **TREE AND PLANT PROTECTION PRIOR TO DEVELOPMENT:** To prevent the unnecessary destruction of trees (4" DBH and up), and/or listed species on land, prior to the application and approval by the City for development, the destruction within any five (5) year period, of more than twenty-five (25%) percent of the trees on any parcel of real property within the City, without prior approval of the Director shall be prohibited (Sections 28.08.00, 28.16.02 and *Landscape Design and Tree Preservation Standards* and the *City's Developmental Standards*).

a. This ordinance does not apply to lots platted when proposed for development as originally platted or to land parcels equal to or smaller than one half (1/2) acre in size for single family residence.

28.06.06 **CHIPPING OR REMOVAL OF PLANT DEBRIS:** The City does not chip or remove leaves, limbs, stems, logs, roots, or any other debris created by private plant owners or their agents while during the maintenance or plant removals required by this ordinance.

28.06.07 **PLANT DEBRIS DISPOSAL:** No individual, group, organization, company, or corporation shall:

- Dispose in the City, plant debris, and/or by-products of plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public plants that contains dangerous, destructive or infectious pests without first obtaining a permit for said work.
- Dispose on municipal property any plant debris, and/or by-products of plants (lumber, logs, firewood, mulch, chips, leaves, etc.) from private or public plants without first obtaining a permit for said work.

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- c. The Director shall have the authority to affix conditions to the granting of the permit issued in accordance with the terms of this ordinance. Affixed conditions shall be based on current City policies.

28.07.00 PLANT PROTECTION - PUBLIC SPACES: It shall be the duty of any and all residents, individuals, groups, organizations, companies, and/or corporations within the City to protect plantings in public spaces so that:

28.07.01 No person shall damage, break, injure, mutilate, kill, destroy, transplant, remove, or otherwise deface any plant, or set any fire within ten (10) feet of the drip line or permit any fire, or the heat from a fire, to injure any portion of any plant. No toxic chemicals or other injurious materials shall be allowed to seep, drain, or be emptied on, near, or about any plant.

28.07.02 No electric wires or any other lines or wires shall be permitted to come in contact with any plant in any manner that shall cause damage to the plant and no person shall attach any electrical insulation to any plant.

28.07.03 No person shall use any plant as an anchor except by special written permit from the Director and no material shall be fastened to or hung on any plants in public spaces.

28.07.04 No person shall install, remove, or injure any guard or device placed to protect any trees unless in conjunction with removal or relocation for which a permit issued under Section 28.04.00.

28.07.05 All persons having under their care, custody or control, personal property which may obstruct with the trimming, care, removal or planting of any plant, shall, after notice by the Director, promptly abate, prior to the time requirement given in said notice, such obstruction in such manner as shall permit the trimming, care, removal or planting of such plants by the Department.

28.07.06 At no time will the practice of topping be considered appropriate or normal practice for any person, firm or City department. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the Director. This determination shall be based on current City policies.

28.08.00 PLANT PROTECTION DURING DEVELOPMENT - PUBLIC AND PRIVATE PROPERTY: It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations developing property within the City to protect plantings so that:

28.08.01 During any building, exterior renovation or razing operations, the developer/builder shall erect and maintain suitable protective barriers (Section 28.02.19) around all trees, plants, on public spaces and on private property, so as to prevent damage to plants and/or areas intended for preservation. (figure #1). There shall be no undue compression of the earth or otherwise impeding or preventing the access of water or air to the root system of the plant or excavation around or removal of soil or earth or the addition of earth or any other materials within the tree protection area (Section 28.02.26). Building material and other debris shall not be placed inside the tree protection area.

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- 28.08.02 Protective barriers shall not be relocated or removed without prior approval of the City.
- 28.08.03 Silt screen or other acceptable measures shall be placed up slope for the protective barriers. This silt protection barrier shall shield the area for preserved trees or plants from soil sedimentation intrusion into the tree protection area.
- 28.08.04 Where root loss will occur, root prune one foot beyond the protective barriers using a vibrating saw or narrow trencher to make clean cuts. Cutting instrument shall have sharp blades to minimize damage. Back fill immediately and cover with three (3) inches of mulch.
- 28.08.05 When, in isolated incidents, as determined by the City, protective barriers may be impractical or ineffectual in protecting roots in the tree protection area (Section 28.02.26), the Developer shall provide temporary buffers as approved by the City to prevent root damage.
- 28.08.06 Pruning of preserved trees during development shall be limited to the removal of dead, dying, and/or damaged branches. Where necessary the Developer may, with City permission, prune trees to accommodate construction activities. Upon completion of the development, overall pruning to enhance the quality of the trees will be allowed under the guidance and supervision of the City.
- 28.09.00 EXCAVATIONS NEAR PLANTS - PUBLIC SPACES: It shall be the duty of any residents, individuals, groups, organizations, companies, developers, and/or corporations working or owning property within the City to protect plantings in public spaces so that:
- 28.09.01 EXCAVATIONS AND DRIVEWAYS: Excavations and driveways shall not be placed within fifteen (15) feet of any existing tree without written permit from the Director. Any person making such excavation or construction shall erect and maintain a suitable protective barrier around the tree (figure #1). Building material and other debris shall not be placed inside the tree protection area (Section 28.02.23).
- 28.09.02 IRRIGATION SYSTEMS, INVISIBLE DOG FENCES, OR ANY UNAUTHORIZED UNDERGROUND INSTALLATION: The City shall not be responsible for damages to irrigation systems, invisible dog fences or any unauthorized underground installation installed in public spaces by private parties.
- 28.10.00 COVERING THE SURFACE NEAR TREES - PUBLIC SPACES: No person shall place within the public space any soil, stone, brick, sand, concrete, or other materials, which will in any way impede the full and free passage of water, air or fertilizer to the root system of any plant in a public space, except a sidewalk or driveway of authorized width and location.
- 28.10.01 This does not preclude the use of organic mulches, and/or geo-textile fabric.
- 28.11.00 REGULATIONS FOR NEW PLANTING - PUBLIC SPACES: Work other than that in Section 28.08.00 shall be done under a permit issued (Section 28.04.00) in accordance with this ordinance, the *Landscape Design and Tree Preservation Standards*, and City Developmental Standards, shall be performed in strict accordance with the listed terms and with the following regulations for the planting,

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trimming and care of trees and plants in public spaces:

- 28.11.01 Trees must have a caliper of 1.5 inches or more for bare rootstock and 2.5 inches or more for container grown/balled and burlapped stock.
- 28.11.02 Tree types are to be selected from Parks and Receptions *Recommended Deciduous Trees for Troy* list unless otherwise approved by the Director. Approval by the Director shall be based on current City policies.
- 28.11.03 All replacement plants other than trees shall be a minimum of:
- a. Four (4) inch pot for perennials and non-turf grasses
 - b. One gallon for all shrubs.
- 28.11.04 All trees with a caliper of two (2) inches or greater must be protected and supported by tree guards (figure #3). All tree guards and stakes shall be removed one (1) year after installation.
- 28.11.05 In rights-of-way, all trees shall be planted on fifty (50) foot centers, unless a special permit is obtained from the Director (Section 28.04.00). All other plantings on municipal properties shall conform to the City's Developmental Standards. Permit approval by the Director shall be based on current City policies.
- 28.11.06 All trees shall be centered between the sidewalk and curb unless the Director issues a permit stating otherwise. Where no sidewalk and/or curb exist, the Director shall approve planting locations. Permit approval by the Director shall be based on current City policies.
- 28.11.07 No tree shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.
- 28.11.08 No plant that exceeds thirty (30) inches in height above the lowest established street grade, shall be planted within fifteen (15) feet either side of a driveway that opens onto a public street.
- 28.11.08 Other than turf grasses, no trees or plants shall be planted within fifteen (15) feet of any fire hydrant or as to obstruct the fire hydrant when viewed from the street. Turf grasses planted around a fire hydrant shall be maintained at a mowed height of ten (10) inches or less.
- 28.11.09 No tree shall be planted on private property within thirty (30) feet of a tree planted in the rights-of-way.
- 28.11.10 All planting shall be done in accordance with Park and Recreation planting specifications (figure #3).
- 28.11.11 All plantings shall conform to Corner Clearance (Section 28.12.00).
- 28.12.00 **CORNER CLEARANCE (VISUAL BARRIER SETBACK)**: Property owners in the City shall comply with the requirements of Sections 28.12.01 through 28.12.03.
- 28.12.01 In order that the view of the driver of a vehicle approaching a street intersection is not obstructed, all plants located on the triangle formed by two (2) rights-of-way lines

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at the intersection of two (2) streets and extending for a distance of twenty-five (25) feet each way from the intersection of the rights-of-way lines on any corner lot within the City, shall not be permitted to grow to a height of more than thirty (30) inches from the lowest established street grade, along the legs of the fore mentioned triangle (figure #2).

- 28.12.02 Trees may be planted and maintained the corner clearance area, provided that all branches are trimmed for a vertical height of eight (8) feet above the highest established street grade perpendicular to the tree trunk.
- 28.12.03 Any person failing to trim any plants to conformity with this ordinance shall be notified by the Director in the manner provided in Section 28.17.01 of this ordinance. Such notice shall require trimming or removal in conformity with this ordinance within the time prescribed in the notice as provided in Section 28.17.02 of this ordinance. Upon the expiration of such period, the Director may cause the trimming or removal to be done and the cost thereof may be collected from the owner of said property as provided in Section 28.17.06 of this ordinance.
- 28.13.00 PRIVATE PLANT – INSPECTION: The Director shall have the authority to enter upon private property for the purpose of examining any plants, for the presence of pests and/or to determine if an emergency or imminent danger situation exists.
- 28.13.01 No compensation shall be awarded for the destruction of any plant, fruit, or injury to the same, if done by the Director in accordance with this ordinance.
- 28.14.00 LAWN EXTENSIONS and SUBDIVISION ENTRY ISLANDS/CUL-DE-SAC ISLANDS: Property owners in the City are charged with the responsibility of maintenance of public spaces adjacent to their property as follows:
- 28.14.01 Property owners and/or occupants shall maintain the lawn extensions (Section 28.14.02) that abut their property and/or the street island directly in front of their property in a neat and orderly manner in compliance with City ordinances. At no time shall property owners and/or occupants allow poison ivy, ragweed or any other poisonous, noxious, or unhealthy growths to occur in the lawn extensions or street island in their care.
- 28.14.02 Other than normal maintenance, no person shall willfully, maliciously, and/or wantonly injure, destroy, remove, or transplant any plants, or grasses on any lawn extension / street island or throw papers, refuse, or any other thing thereon.
- 28.14.03 For other than turf type grasses; the property owner and/or occupants shall apply for a permit to plant in these areas (Section 28.04.00). A proposed maintenance schedule and intended maintained size of the plants shall be provided when applying for permit.

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- 28.14.04 All paved surfaces in the lawn extensions and islands of public streets shall be edged on a regular basis to maintain clean exposed edges and no dirt or other debris shall be allowed to collect on paved surfaces.
- 28.14.05 Property owners and/or occupants are not responsible for tree maintenance in the lawn extensions and islands located in public spaces.
- 28.14.06 Any plantings by developers, property owners, occupants, homeowner's associations, or agents thereof shall conform to Section 28.11.00.
- 28.14.07 When necessary based on street layout, additional properties may be required to maintain any street islands of public streets. The Director shall review and assign responsible properties on a case-by-case basis. Assignments by the Director shall be based on current City policies.
- a. Residents shall be notified of new assignments by one of the methods outlined in Section 28.17.01 a through d.
- 28.15.00 **TREE SPACING:** To promote the awareness of the benefits of effective landscaping in the City, the following planting information has been prepared for trees planted on private or municipal property:
- 28.15.01 The City strongly encourages all trees planted on private property conform to Parks and Recreation's *Recommended Deciduous Trees for Troy* list.
- 28.15.02 No tree shall be planted on private property within thirty (30) feet of a tree planted in the rights-of-way.
- 28.15.03 **LARGE TREES:** Trees that will attain a mature height over fifty (50) feet and at least thirty-five (35) feet wide. These trees should be spaced at least thirty-five (35) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least fifty (50) feet apart on public spaces.
- 28.15.04 **MEDIUM TREES:** Trees that will attain a mature height of thirty (30) to fifty (50) feet and at least twenty-five (25) feet wide. These trees should be spaced at least twenty-five (25) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least forty (40) feet apart on public spaces if approved by the Director.
- 28.15.05 **SMALL TREES:** Trees that will attain a mature height of fifteen (15) to thirty (30) feet and at least fifteen (15) feet wide. These trees should be spaced at least fifteen (15) feet apart on private property (unless otherwise directed by City Ordinances and/or standards) and at least thirty (30) feet apart on public spaces if approved by the Director. Under no circumstance shall a small tree be considered for use as a street tree unless an overhead utility prevents the use of a larger tree.
- 28.15.06 All trees shall have the following setbacks from an overhead utility lines (figure #5):
- a. Large trees shall be planted no closer than fifty (50) feet from the outer most utility line.
- b. Medium trees shall be planted no closer than forty (40) feet from the outer most utility line.

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- c. Small trees twenty (20) feet or less are permissible plantings directly under utility lines.
- 28.16.00 VIOLATION OF TREE AND PLANT REGULATIONS: Except as otherwise provided, any resident, person, group, organization, company, firm or corporation violating the provisions of this Chapter is responsible for a Municipal Civil Infraction and subject to the provisions of Chapter 100 of the Code of the City of Troy.
- 28.16.01 PENALTIES FOR UNAUTHORIZED REMOVALS OF PLANTS - PUBLIC SPACES:
- a. Any person violating or causing to be violated any of the provisions pertaining to public spaces including but not limited to any person cutting down or removing trees or plants without personally seeing a copy of a valid permit authorizing such cutting down or removal of the trees or plants shall be subject to a fine of up to \$500.00 per offense, depending on the commercial and/or historical value of such trees and plants.
- b. Each tree or plant destroyed or removed in violation of this ordinance shall be considered a separate offense.
- c. In the case of unauthorized removal or destruction of trees or plants, in addition to the fine, each plant destroyed or removed in violation of this ordinance shall be replaced with another like tree or plant. If the responsible party is unable to locate similar sized, type, or quality plant materials, she/he may request a variance from the Director. If the Director grants a variance, the party replacing the plants will pay the City the cost difference between the value of the destroyed plant and the value of the replacement. The latest revision of the Guide For Plant Appraisals as published by the International Society of Arboriculture shall be used to determine the value of the destroyed plant. Variances approved by the Director shall be based on current City policies.
- 28.16.02 PENALTIES FOR UNAUTHORIZED REMOVALS OR DAMAGE TO PLANTS DURING OR BEFORE DEVELOPMENT- PUBLIC SPACES AND PRIVATE PROPERTY: Performing any plant removals and/or damaging any plants designated for preservation during development or on sites not yet designated for development (Section 28.06.05), found to be in violation of this Ordinance, *Landscape Design and Tree Preservation Standards* or any other developmental standards shall result in the following penalties:
- a. Payment of the Tree Preservation / Landscape Review Penalty Fee as found in Chapter 60.
- b. Replacement of trees and plants by the property owner will be required when any removal is in violation of this ordinance, and/or the *Landscape Design and Tree Preservation Standards*. Replacement tree varieties shall be selected from the City's *Recommended Deciduous Trees for Troy* list.
- c. The property owner must submit for approval a list of replacement plant varieties for review by the City. Approval of the list of replacement plant varieties shall be based on current City policies.
- d. Property owner will be required to replace trees at a rate of three (3) caliper inches for each inch DBH lost.

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- e. Amount of inches DBH lost will be determined by:
 - 1. City approved Tree Preservation plan if previously submitted and approved prior to removals, otherwise refer to Section 28.16.02f2.
 - 2. Onsite inspection by City Staff. If staff is not able to make an accurate assessment due to site conditions, refer to Section 28.16.02f3.
 - 3. Inches of DBH lost will be assessed at a rate of 1089 inches DBH per acre.
 - 4. Or any combination of above as determined necessary by City Staff to make a reasonable assessment of lost inches DBH.
- f. All replacement trees shall have a minimum caliper size of four (4) inches.
- g. All replacement plants other than trees shall be a minimum of:
 - 1. One (1) gallon for perennials and non-turf grasses
 - 2. Five (5) gallon for all shrubs
- h. Planting locations for replacement plants shall be staked by the property owner and approved by the Director before any replacement plantings occur. Location approvals shall be based on current City policies.
- i. Replacement plantings shall conform to "American Standard for Nursery Stock".
- j. Plants selected for use as replacements shall be free from injury, pests, diseases, and nutritional disorders, root defects and must be in good vigor. The Director reserves the right to reject any or all plants used as replacements. All rejected plants shall be removed from the site. Rejection of plants shall be based on this ordinance and current City policy.
- k. All replacement plants shall carry a two-year unconditional guarantee.
- l. All replacement plants shall be planted as per Parks and Recreation specification. Copies of these specifications shall be obtained from the Director.
- m. All plantings shall conform to the *Corner Clearance* outlined in Section 28.12.00 of this ordinance.

28.16.03 FAILURE TO MAINTAIN APPROVED PLANTINGS IN PUBLIC SPACES: Approved plantings in public spaces found to be poorly maintained shall, upon order by the City, be removed by the parties responsible for the maintenance and the site restored to turf or other City approved ground cover (plants or mulch). Failure to comply, refer to Section 28.17.05.

28.16.04 PENALTIES FOR DAMAGING PLANTS - PUBLIC SPACES: Any person or persons who cause damage to any City trees and/or plants by the improper use of any machines, automobile, chemicals, or other activities shall be held liable for damages to said trees and plants. Damages shall be corrected, repaired and/or replaced by the Department as instructed by the Director. All costs incurred by the City for corrections, repairs, and replacements including administrative and process

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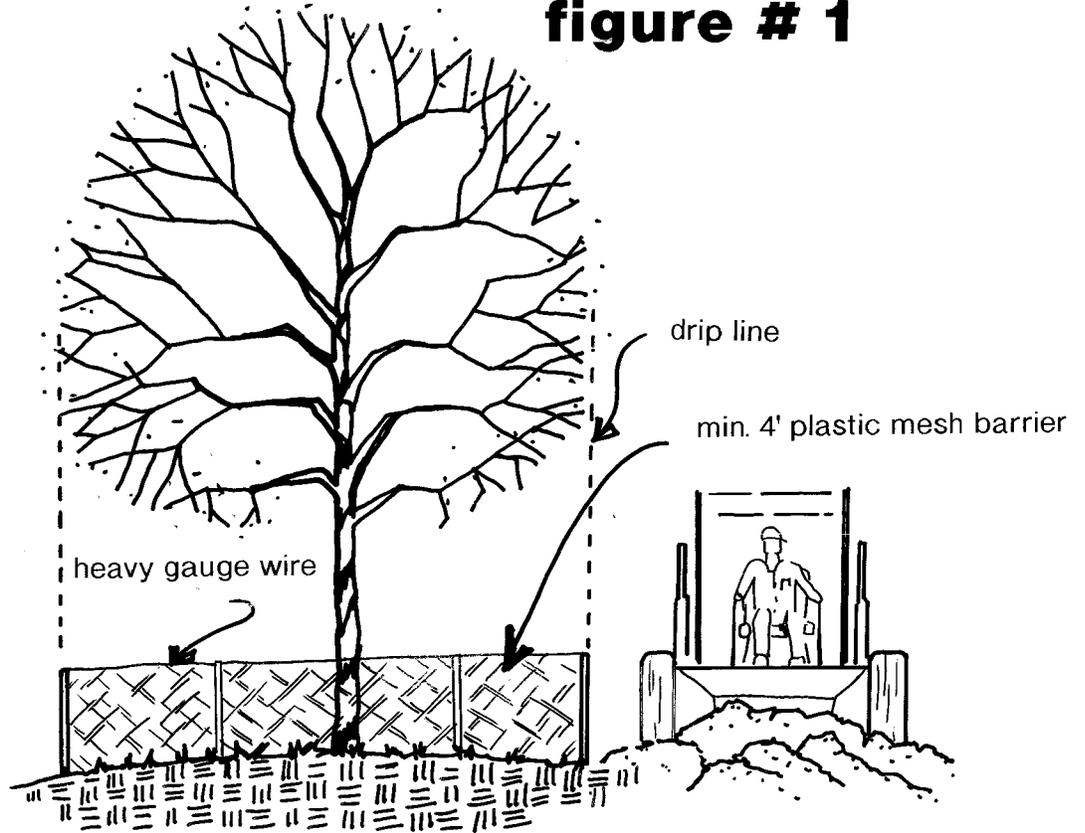
costs, shall be billed to the person or persons responsible for the damages. Should the City choose not to replace damaged plants, the person or persons responsible for said damage shall be billed for the value of the plants as determined in accordance with the latest edition of the Guide for Plant Appraisal (issued by the Council of Tree and Landscape Appraisers) and/or cost estimates for repairs/replacement, including all administrative costs.

- 28.17.00 PROCEDURE FOR ORDERING ACTION ON VIOLATIONS OF TREE AND PLANT REGULATIONS: When the Director shall find it necessary to order the trimming, preservation, spraying or removal of plants on private property or in public spaces, as authorized by this ordinance she/he shall serve a written order on the property owner in which the necessary corrections and time limits are listed.
- 28.17.01 Such order required herein shall be served in one or a combination of the following manners:
- a. By making personal delivery of the order to the property owner.
 - b. By leaving the order with some person of suitable age and discretion upon the premises.
 - c. By mailing a copy of the order to the last known address of the owner of the property by registered mail.
 - d. By affixing a copy of the order to the door at the entrance to the premises in violation.
 - e. By publishing the order in a local paper once a week for three (3) successive weeks.
- 28.17.02 TIME FOR COMPLIANCE: Such order shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In no case shall the time limit be less than ten (10) business days, nor more than thirty (30) calendar days, except in case of an emergency or an imminent danger. In case of emergency or imminent danger the City shall eliminate or lessen the hazard and assess the costs to the owner as provided in Section 28.14.11 of this ordinance.
- 28.17.03 NOTICE OF COMPLIANCE: Cited individual shall send a notice of compliance within five (5) days of completion of work to the Director for her/his inspection of completed work.
- 28.17.04 APPEAL FROM ORDER: A person to whom such an order is directed shall have the right, within forty-eight (48) hours of service of such order, to appeal to the City Manager, of the City of Troy who shall review such order within five (5) business days and file her/his decision with the City Clerk with a copy to the Director of Parks and Recreation and to the appellant which shall be served in any of the methods provided in Section 28.17.01; unless the order is revoked or modified it shall remain in full force and shall be obeyed by the person to whom it is directed. No person to whom the order is directed shall fail to comply with such order within ten (10) business days or such additional time as prescribed in the order after an appeal shall have been determined. In the case of imminent danger, as described above, the Director shall have the authority to require compliance immediately upon service of the order which expressly dictates that the matter is of imminent danger.

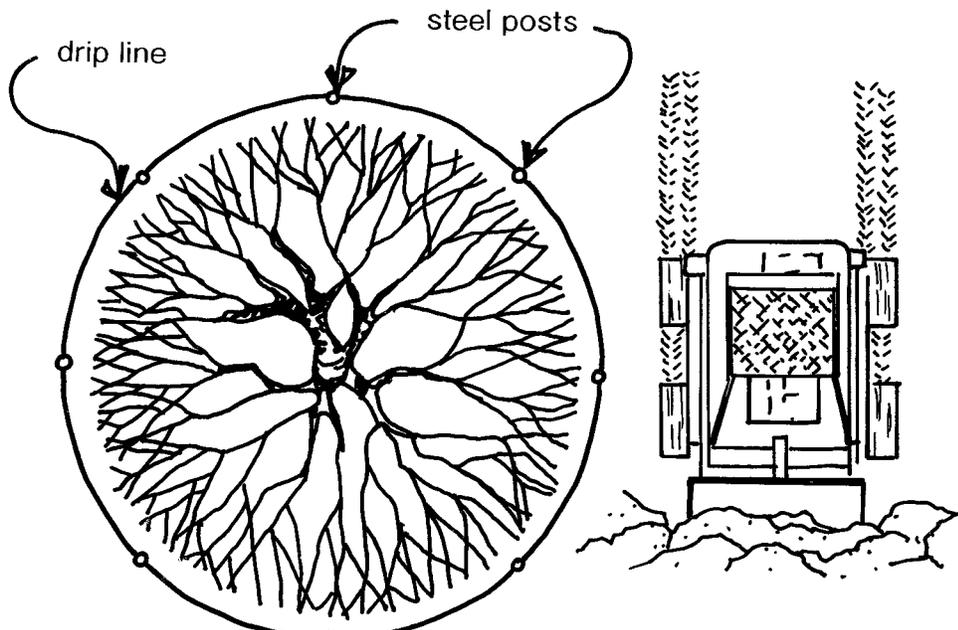
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- 28.17.05 FAILURE TO COMPLY: When a person to whom an order is directed shall fail to comply within the specified time, or in the specified manner, the Director shall have the right to remedy the conditions or contract with others for the purpose and charge the costs thereof to the person to whom the order is directed. The person remedying the condition under a contract made with the City shall be authorized to enter the property for that purpose.
- 28.17.06 LIEN AGAINST PROPERTY: If the cost of remedying a condition is not paid within thirty (30) days after receipt of a statement from the City, such cost shall be levied against the property upon which said hazard exists or existed. Levying of such cost shall be certified by the Director to the City Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the owner or owners unless paid before, and shall be collected in the same manner as other taxes against such property.

figure # 1



Tree Protection Area



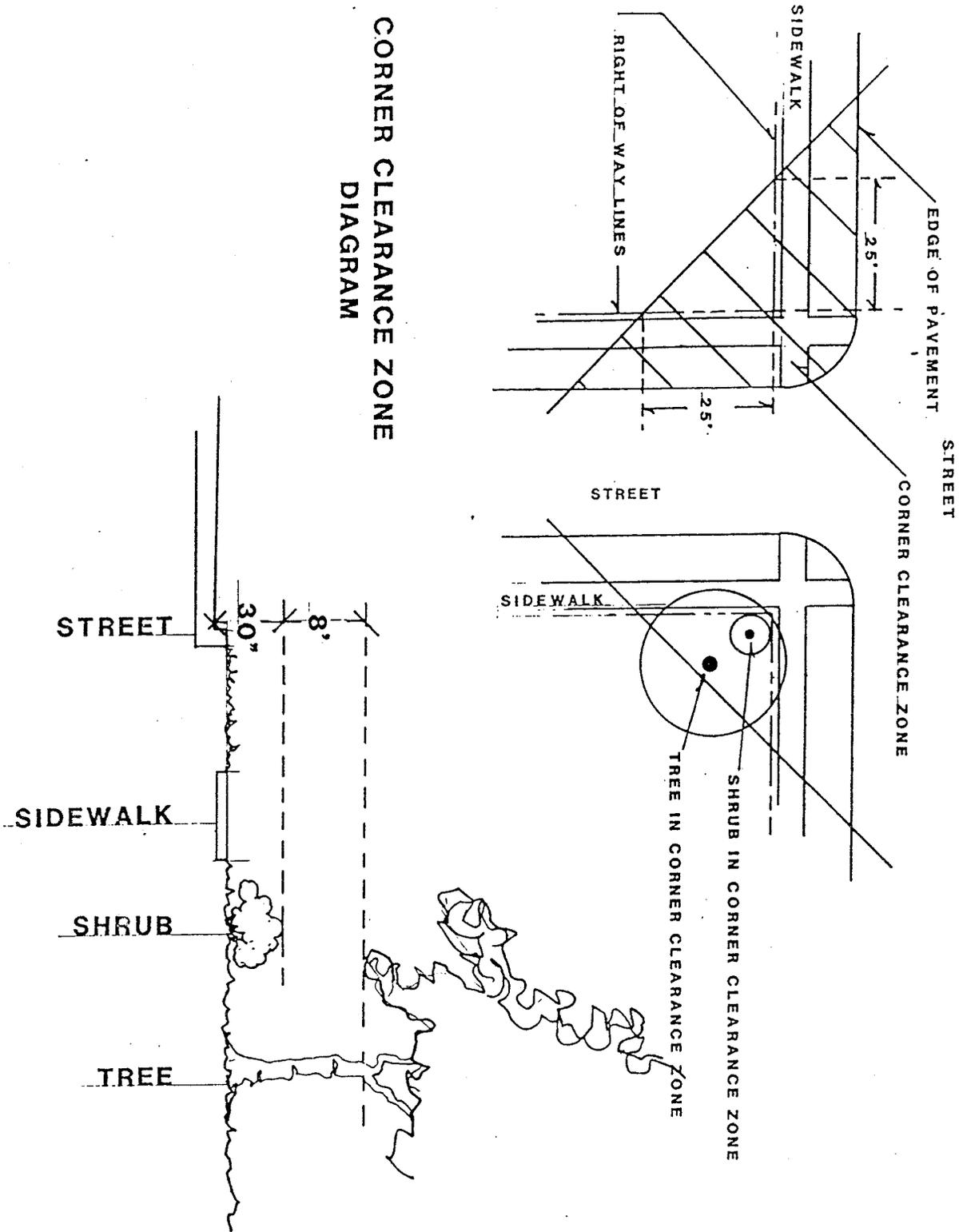
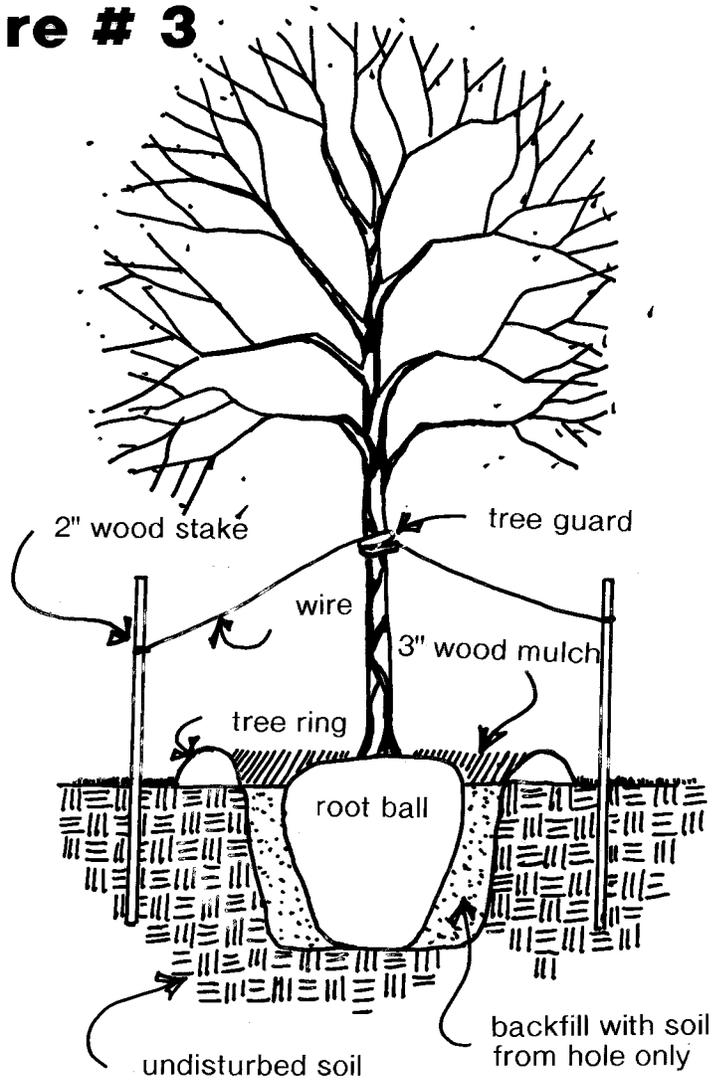
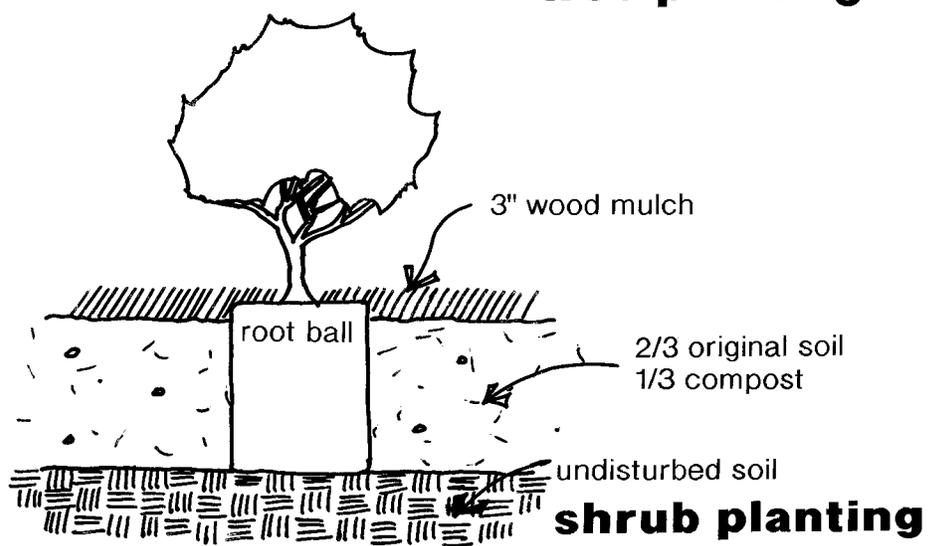


figure # 2

figure # 3

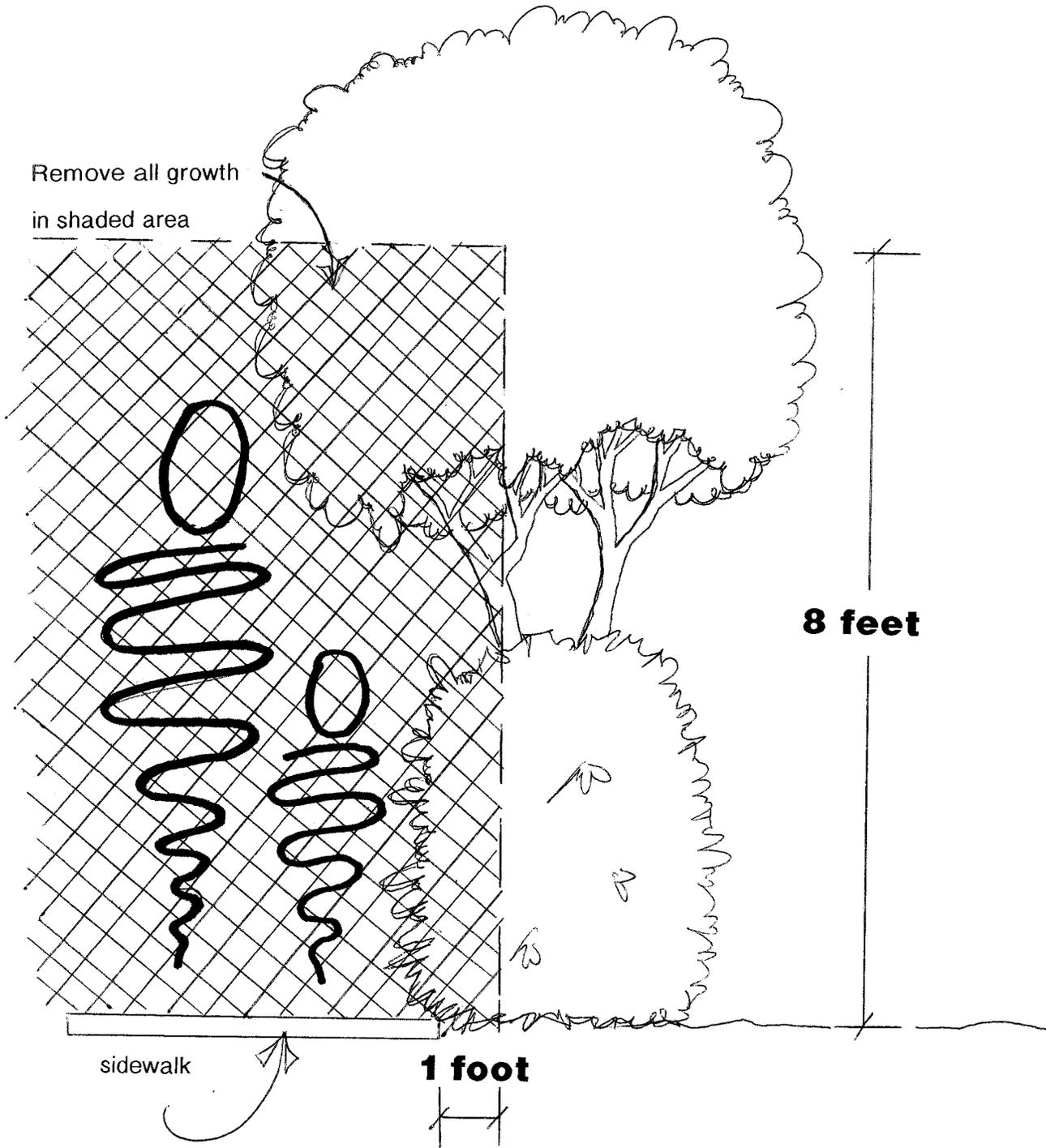


tree planting



shrub planting

figure # 4



Area to be cleared.

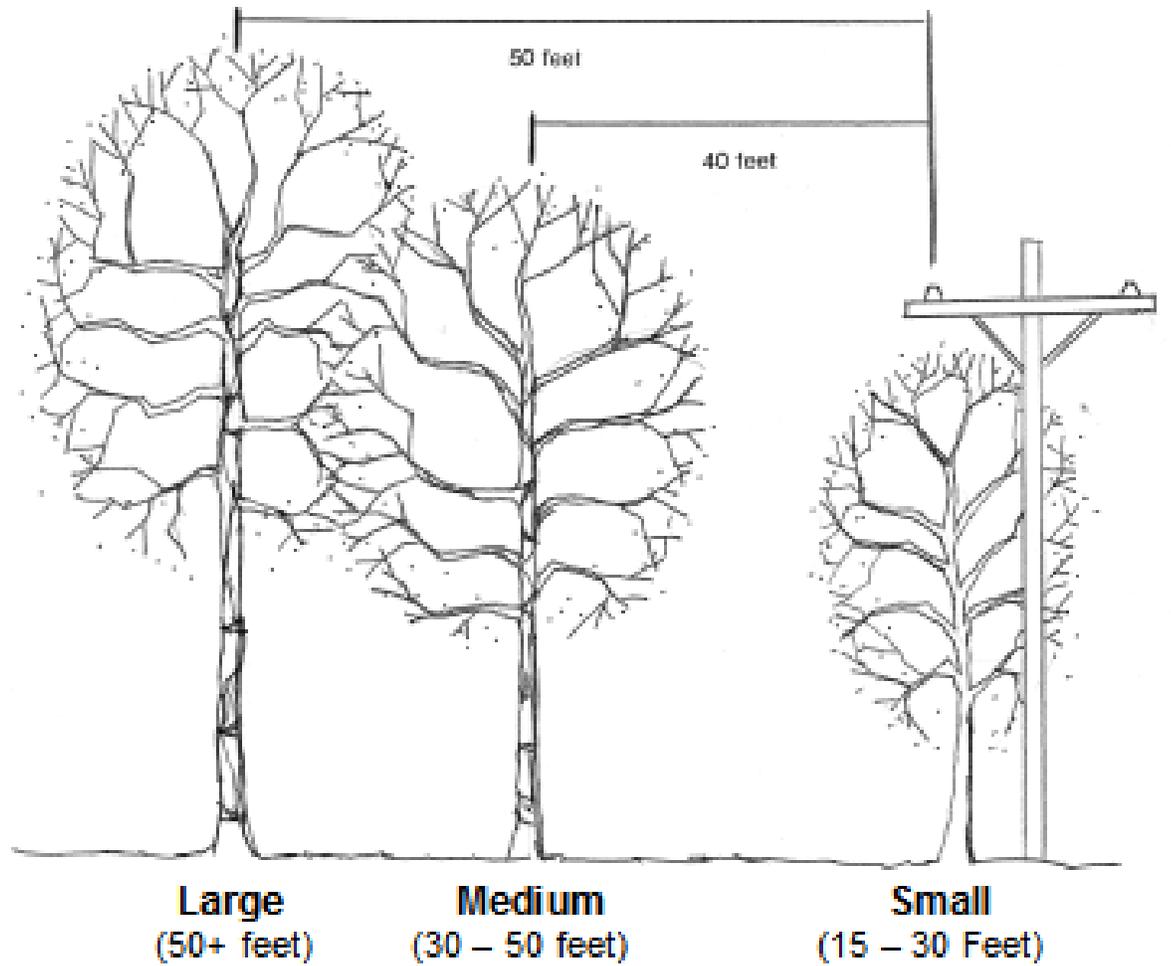


figure # 5



Landscape Design and Tree Preservation Standards

Adopted 09/15/75
Revised 01/13/77
Revised 11/03/86
Revised 03/16/87
Revised 02/12/96
Revised 04-25-06

Each generation takes the earth as trustees. We ought to bequeath to posterity as many forests and orchards as we have exhausted and consumed.

--J. Sterling Morton

Changes as of 4-25-06

Reviewing Agency:

**City of Troy
Parks and Recreation Department**

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Tree Preservation / Landscape Submittal / Approval Process Outline



Preliminary Site Plan Approval

1. Developer submits three (3) copies of Preliminary Tree Preservation plan (PTPP)(LD6.00.00, LD9.00.00) and Preliminary Landscape plans(LD6.00.00) to Planning Department with Site Plan Review or Special Use Application or to Parks and Recreation (P&R) or submit written request for for variance (LD3.00.00) or Waiver of Tree Preservation Standards (LD5.00.00).
2. P&R reviews PTPP or request for waiver and validates the survey.
3. P&R comments, if any, will be forwarded to Planning & Building Departments.
4. Developer resubmits three (3) copies of revised PTPP plan based on P&R comments. If no comments go to #5.
5. P&R approves PTPP and signs off on preliminary sign off sheet which will be forwarded to Planning and/or Building Departments.
6. Preliminary Plans sent to Planning Commission for approval

Final Tree Preservation / Landscape Plan Approval

7. Developer submits three (3) copies of the Final Tree Preservation / Landscape Plan (FTPLP)(LD7.00.00, LD10.00.00), Construction Drawings (LD11.00.00), planting specifications (LD12.00.00) and line item cost estimates (commercial only) (LD13.00.00) to P&R.
8. P&R comments, if any, will be forwarded to Planning and Building Departments.
9. Developer resubmits three (3) copies of revised FTPLP. If no comments go to #9.
10. For commercial properties, P&R sets and collects Review fees (LD18.00.00) and Landscape Deposits (LD19.00.00). For sub-divisions, required landscape deposits are collected by the Engineering and/or Planning Department.
11. P&R signs off on Final project sheet.

Work Begins

12. P&R advised twenty-four (24) hours prior to tree clearing operation (LD20.02.00).
13. P&R monitors tree removal
14. P&R advised twenty-four (24) hours prior to landscaping operations (LD22.00.00)
15. P&R monitors installation of landscape.

Landscape Inspections called

16. Commercial Properties

- a. Developer calls for First Implementation Inspection (FII)(LD26.00.00).
- b. P&R comments based on FII forwarded to Building Department. If no comments FII shall be considered the Final Implementation Inspection.
- c. Developer calls for Final Implementation Inspection (LD27.00.00)
- d. P&R forwards comments to Building Department, if necessary, based on inspection.
- e. P&R approves implementation and releases Implementation Deposit, collects Maintenance Deposit (LD19.00.02) and advises Building Department that P&R approves issuance of Certificate of Occupancy.
- f. Minimum of twelve (12) months, maximum of thirty-six (36) months later, Developer calls for Maintenance Inspection (LD28.00.00). Deposit is forfeited after 36 months.
- g. P&R forwards comments based on Maintenance Inspection to Developer.
- h. Developer calls for re-inspections.
- i. If P&R approves Landscape, Maintenance Deposit is refunded.

17. Subdivisions

- a. Developer calls for FII (LD26.00.00).
- b. P&R comments based on FII forwarded to Developer. If no comments FII shall be considered the Final Implementation Inspection.
- c. After implementation of City comments, Developer calls for Final Implementation Inspection (LD27.00.00)
- d. P&R forwards comments to Developer, if necessary, based on inspection.
- e. P&R approves implementation and authorizes release of 90% appropriate landscape deposits. Note, subdivision guaranteed see LD34.00.00j



Landscape Design and Tree Preservation Standards



LD1.00.00 *Introduction* - It is the intent of the City Code Chapter 28, and Chapter 39, Section 12.60.01; 11.50.05; 12.60.02; 13.60.00; 15.60.00; 16.60.00; 17.60.00; **39.30.00**; 10.30.03 (C); 18.30.03 (B); 10.30.01 (E); 22.30.01 (B); 24.30.06 (B) and Chapter 41, Sections (E) and (F) to obtain an environment which is responsive to human needs, socially positive, economically viable and environmentally satisfying. Additionally these standards promote reasonable preservation and replenishment of landscaping in developments, commercial properties and municipal grounds by providing guidelines for protection of plants during construction, development and redevelopment.

The reviewing agency for these standards is the City of Troy Parks and Recreation Department (248-524-3484).

These Standards apply to any person or persons developing **property where Site Plan approval, Special use Approval is required. These standards shall not apply to platted lots when proposed for development as originally platted or to land parcels equal to or smaller than one half (1/2) acre in size used for single family residence.**

LD2.00.00 *Circumstances for Variations* - These Standards are not intended to be arbitrary or inhibiting to creative solutions. Project conditions may justify modifications of these standards when conditions arise where full compliance is impossible or under circumstances where achievement of the City's objectives can be better obtained through modified requirements. Therefore, in specific cases, variation from the requirements may be permitted by the Director of Parks and Recreation when this variation more fully achieves the objective contained herein and when one or more of the following conditions justify the variance:

LD2.01.00 Topography, soil, or other site conditions are such that full compliance is impossible.

LD2.02.00 Improved environmental quality, and/or utility would result from the variance.

LD2.03.00 Alternate methods, materials or equipment may be used when their use would more closely fulfill the intended objectives of these standards.

LD2.04.00 Lack of existing native vegetation within the limits of the property.

LD3.00.00 Request for Variance

A request for variance must be submitted to the Director of Parks and Recreation in writing at the beginning of the review procedure, describe completely the rationale for the variance request.

LD3.01.00 Special Conditions - Because of various conditions in a specific project, the Director of Parks and Recreation may require compliance with standards other

than those contained herein, in order to obtain those characteristics of viability, utility, service, public safety, and low maintenance expense, while satisfying its objectives and to ensure continued market acceptance of the project.

LD4.00.00 Federal and State Standards -It should be noted that where Federal and/or State Standards pertain, the higher standard shall govern. An example of a possible higher standard would be the Federal Government's Endangered Species Act.

LD5.00.00 Request for Waiver of Tree Preservation Standards - If there are no trees on the site, the Developer may request relief from conforming to the tree preservation portion of these standards by requesting a waiver. Written requests should be directed to the Parks and Recreation Department. City staff will evaluate the waiver request and the Developer will be advised of the findings.

LD6.00.00 Preliminary Tree Preservation / **Landscape** Plan – General Requirements. The Preliminary Tree preservation and **Preliminary Landscape plans shall be submitted as separate documents** and shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD6.01.00 **Title block shall include:**

- a. Project name, address (if currently assigned) and Sid well numbers
- b. Project location map with a scale of 1" = 200'
- c. Name of the Developer, address, phone and fax number
- d. Name or Project Engineering Firm, address, phone and fax number
- e. Name, address, phone and fax number of Landscape Architect, Designer and/or Tree Appraiser
- f. Zoning Classification of the project

LD6.02.00 **Information to be included on all other sheets**

- a. Number
- b. Scale
- c. North Arrow (except on detail sheet)
- d. Title
- e. Legend
- f. Property Lines
- g. All structures existing on the site **(Tree Preservation plan only)**
- h. Proposed and existing easements, utilities, rights-of-ways and building envelopes.
- i. Adjacent land use
- j. Label existing topographic contours on preliminary plans
- k. Attach relevant sections of Consent Judgment if applicable.
- l. See LD9.00.00 for additional **tree preservation** information
- m. Preliminary Landscape plan shall include all items required of the Final Landscape Plan (see LD 7.00.00, LD10.00.00)**

LD6.02.01 **Landscape plans are a required element for Preliminary Site Plan Approval, including Tentative Preliminary Plat approval and Preliminary Site Condominium approval. Landscape Plans shall be reviewed by and approved**

by the Parks and Recreation Department prior to being considered by the Planning Commission.

LD7.00.00 Final Tree Preservation / Landscape Plan - General Requirement The Final Tree Preservation and Final Landscape plans shall be submitted as one combined document and shall conform to this format. Three (3) copies shall be provided to the Department of Parks and Recreation, at the time of each submittal.

LD7.01.00 Title block shall include:

- a. Project name, address (if currently assigned) and Sid well numbers
- b. Project location map with a scale of 1" = 200'
- c. Name of the Developer, address phone and fax number
- d. Name or Project Engineering Firm, Landscape Architect/Designer, addresses, phone and fax numbers.
- e. Zoning classification of the project

LD7.02.00 Information to be included on all other sheets

- a. Number
- b. Scale - commercial/individual lots min. 1" = 30', max. 1" = 5' Subdivisions min. 1" = 100'
- c. North arrow (except on detail sheet)
- d. Title
- e. Legend
- f. Property lines
- g. Structures to remain or to be built on the site
- h. Proposed and existing easements, utilities, rights-of-ways and building envelopes.
- i. Adjacent land use
- j. Label existing topographic contours on preliminary plans
- k. Label existing and proposed topographic contour lines on final plans.
- l. Location and number code of preserved trees (see also 8.02.04)
- m. Location of reforested trees – must be called out.
- n. Plant list indicating quantity, botanical name, size, condition (bare root, container/size, B&B, etc.),
- o. Planting specifications
- p. Attach relevant sections of Consent Judgment if applicable.

LD8.00.00 Tree Preservation Options - Developer shall use one of the following options or a combination thereof:

LD8.01.00 Preservation of 30% of **total site DBH inches**. (see LD8.01.01)

LD8.01.01 **Total site DBH inches** shall be the total number of DBH (diameter at breast height) inches existing on the site for all trees four (4) inches DBH and up.

LD8.02.00 Replacement of 30% of total site DBH (see LD8.04.00) with new or harvested (LD8.03.02) plantings (A.K.A. Reforestation Plantings) at a rate of one (1) DBH inch = one and one half (1 ½") caliper inches. (see LD 8.05.00)

LD8.02.01 For all reforestation planting – no one genus of tree shall represent more that 20% of the total number of trees found on the site after final acceptance of the project by the City.

LD8.03.00 Should the site be unable to accommodate all or part of the required *Reforestation Plantings*, upon approval by the City, the Developer may pay into the City's Tree Fund at a rate of one (1) DBH inch = two (2) caliper inches, multiplied by the Tree Reforestation Dollar Value (TRDV) (see LD8.03.01) as set annually by the City.

a. Example - 1000 Total Site DBH inches X 2 X TRDV = amount to be paid into City Tree Fund.

LD8.03.01 Tree Reforestation Dollar Value (TRDV) = \$114.00

LD8.03.02 Harvesting trees for *Reforestation Plantings* – should the Developer choose, trees existing on this or other sites may be relocated in or into the project. Trees shall be:

a. A minimum of 2.5 caliper inches

b. Either balled/burlapped or moved by tree spade

c. In good to excellent condition after installation

d. Unless previously approved by City, only trees on the City's *Recommend Deciduous Trees for Troy* list will be approved for harvesting and relocation.

e. Guaranteed for one full year after final acceptance (closing) of the development/project by the City. Warranty replacement trees shall be nursery grown and guaranteed for one full year from date of installation. Developer is responsible for requesting all inspections.

f. Covered by a deposit based on the number of caliper inches harvested x TRDV (see LD8.03.01). Funds on healthy harvested trees (as determined by City) to be released at the end of the guarantee period. Remaining funds to be released at the end of the replacement guarantee period for all healthy replacement trees. Developer is responsible for requesting all inspections

g. Replaced if necessary by same number of caliper inches (minimum 2.5 ") but not necessarily with the same number of trees.

LD8.03.03 Developer shall be responsible for the removal of any preserved trees or *Reforestation Plantings*, harvested or nursery grown that die during guarantee period.

LD8.03.04 Developer shall also be responsible for any site damage cause by the removal and/or replacement of trees that died during the guarantee period. This restoration shall include but not be limited to sod, other trees, irrigation systems, underground utilities, fences, drives, walks, patios, pools, landscaping installed after the tree was planted, buildings, etc.

LD8.04.00 **Trees Preserved** - If the Developer chooses to preserve existing trees, tree selection shall be based on the following:

LD8.04.01 Trees to be considered preserved shall be within the size range of four (4) inches DBH and up.

LD8.04.02 Preserved trees shall not be on the City's prohibited species list. Trees on the prohibited species list can be maintained but will not be considered preserved trees.

LD8.04.03 Any tree that is endangered or threatened, or is a species of special concern as listed on the Federal Inventory List or Michigan Natural Features Inventory List (MNFI), which is maintained by the Michigan Natural Heritage Program and/or the Michigan Land Conservancy shall be preserved.

LD8.04.04 Any tree of a unique nature, size, or type that by its presence enhances the quality of the overall landscape design. These trees shall be called out on the Preliminary Tree Preservation Plan and Final Tree Preservation / Landscape Plan.

LD8.04.05 Trees Preserved shall be in good condition (as deemed by the Director) for one full year after the final acceptance (closing) of the project by the City.

LD8.04.06 At the City's discretion, any tree can be removed from the proposed list of preserved trees.

LD8.05.00 Reforestation Plantings

Reforestation Plants shall conform to the following:

LD8.05.01 Size -

- a. Deciduous shade - minimum of 2 ½" caliper
- b. Deciduous flowering – minimum 1 ½" caliper
- c. Coniferous – minimum of 8 feet tall

LD8.05.02 Deciduous tree varieties shall be selected from the City's Recommended Deciduous Trees for Troy list. Proposed tree varieties not found on the City's list must be approved by the City

LD8.05.03 Front, back and side yards are the primary planting locations.

LD8.05.04 If the Developer proves to the City's satisfaction that the required number of trees cannot be located in these areas, the City reserves the option of assigning additional planting sites within the project boundaries.

LD8.05.05 Reforestation trees shall be a minimum of thirty (30) feet away from the right-of-way.

LD8.05.06 Reforestation trees shall not be planted in easements.

LD8.05.07 In areas with above ground utility lines, trees with a matured height of more than twenty (20) feet shall not be planted within fifteen (15) feet of the utility poles. (see City Ordinance 28.15.06)

LD8.05.08 Reforestation trees shall not be incorporated into any non-access green belts, detention ponds, street planting, medians, cul-de-sac planting or any other landscaping required by the Developmental Standards without City approval. If approved the trees will be used to augment not replace required landscaping.

LD8.05.09 Reforestation trees shall be in good condition (as deemed by the City) for one full year after the final acceptance (closing) of the project by the City.

LD9.00.00 Preliminary Tree Preservation Plans – Specific Requirements

Preliminary Tree Preservation plans shall be submitted to the Director of Parks and Recreation when an application is submitted to the Planning, Building Department, and /or City Clerk's office for Preliminary Site plan review for a building project or when the Preliminary Plan Review, Special Use Approval Request, or Tentative Preliminary Plat Approval for a project is submitted for review.

LD9.01.00 Plan shall include:

- a. All information listed in LD6.00.00
- b. Location of all trees four (4) inches DBH and larger within the projects property lines and all trees on adjoining properties that have drip lines extending onto the site, shall be located on Preliminary Tree Preservation plan. Each tree shall be number coded.
- c. Table of trees shall be created indicating tree number code, DBH,

- species (maple, elm, spruce, etc.) and condition (good, fair, poor)
- d. Total site DBH for all trees four (4) inch and greater shall be included with above listed table.
- e. Copies of relevant sections of Consent Judgment if applicable.

LD10.00.00 Final Tree Preservation / Landscape Plan Specific Requirements

It is the intent of the Final Tree Preservation / Landscape plan to indicate location of preserved and/or reforested trees and show their relationship to the projects overall landscaping. Additionally, this plan will delineate all required and/or proposed landscaping. **Final Tree Preservation / Landscape Plan shall be submitted as one combined document. The Final Landscape Plan shall be consistent with the Preliminary Landscape Plan used to grant Preliminary Site Plan approval by the Planning Commission.**

LD10.01.00 Final Tree Preservation/Landscape plan shall include the following:

- a. Base sheet information, as indicated in LD7.00.00.
- b. Location of trees to be preserved as per these standards and/or locations of reforestation plantings.
- c. Plant list. The plant list can be printed on the plan or can be typed and attached to each of three (3) sets of plans submitted for review. Plant list shall include:
 - 1. Botanical name
 - 2. Common name
 - 3. Plant size
 - 4. Number of each plant variety used
 - 5. Condition
 - a. Balled and burlapped
 - b. Bare root
 - c. Potted
 - d. Container grown

LD10.01.01 All plants shall be identified with the proper botanical name. This requirement does not preclude the use of a key system method of identifying plant materials on the plan.

LD10.01.02 Planting details shall be provided for each plant group to be installed on the site (shade/flowering trees, shrubs, evergreens, perennials, ground covers, annuals, etc.)

LD10.01.03 The City reserves to right to reject any proposed plant materials or proposed planting locations.

LD10.01.04 A break down of the Tree Preservation option(s) used and shall also indicate:

- a. Option(s) used
- b. Total Site DBH inches (see LD8.01.01)
- c. Number and size of trees preserved, or replanted, or amount to be paid into City Tree Fund
- d. Show calculations for all options used
- e. Construction drawings (LD11.00.00), landscape planting specifications (LD12.00.00) and cost estimates (LD13.00.00) shall be submitted at the same time as Final Tree Preservation / Landscape Plan.

LD11.00.00 Construction Drawings - All construction (engineering) drawings and specifications shall conform to the City of Troy Development Design Standards and the Landscape Design and Tree Preservation Standards.

LD12.00.00 Landscape Planting Specifications - The Developer is required to provide a copy of the landscape planting specifications that will be employed during the implementation of the project. If these specifications are found to be insufficient, the proper changes are required to be made before the landscape plans will be approved.

LD13.00.00 Cost Estimate - Landscaping (Non-residential only) – An itemized estimate covering the costs of all landscaping (hardscape and softscape) scheduled for the project shall be submitted with all landscape plans. The cost estimate shall be in the form of a line item cost break out. A single total cost for the project is not acceptable. Irrigation shall not be included in the cost estimates.

LD14.00.00 Submittal Requirements - It is the intent of the Landscape Design Standards to inform the Developer of submittal requirements, review procedures, fees and inspections and guarantees. It should be noted that strict adherence to the procedures outlined herein will ensure expeditious processing of plans and thereby minimize the need for project modifications.

LD15.00.00 The Reviewing Body - The Tree Preservation Plans, Landscape Plans, cost estimates, construction drawings, details, and specifications will be reviewed by the Director of Parks and Recreation or her/his designated agent.

LD15.01.00 All submitted drawings, and supporting documentation shall be reviewed for:

- a. Conformity to all current City Ordinances and Standards.
 - b. Aesthetic quality.
 - c. Appropriate selection and use of all plants.
 - d. Due to the unique natural of each site, no one set of ordinances or standards can cover all contingencies. The City reserves the right to critic any aspect of the proposed design. The Designer/Developer shall resolve any issues brought to their attention by the City.
-

LD16.00.00 Submission for Review

It is required that all landscape data be submitted, reviewed and approved before any Building permit / Final Site Approval can be issued. No tree regardless of size, shall be removed until the Final Site Plan Approval is issued (see City Ordinance 28.06.05).

LD16.01.00 Three (3) copies of required plans, planting specifications (statements that outline the procedures that will be used to install all plant materials and other landscape elements) and itemized cost estimates will be submitted to the Parks and Recreation Department.

LD16.02.00 On-site changes of an approved landscape plan may be made using the following:

- a. The City of Troy must approve all changes.

- b. Prior to any deviation from the accepted plan, the City of Troy must be contacted and asked for an evaluation of the proposed change.
- c. In projects where deviation from the accepted landscape plan has been approved, the Developer shall forward as-built drawings to the City of Troy prior to the implementation inspection.

LD16.02.01 Any changes made to the required plans, specifications, details, and/or cost estimates after the issuance of Final Site Approval could delay the issuance of the Final Certification of Occupancy, and release of the Implementation and/or Maintenance Deposits.

LD17.00.00 Changes in a Landscape Plan Resulting from Review Process - Any changes required by the reviewing body must be included in three (3) complete sets of revised plans to be submitted to Parks and Recreation, along with the revised specifications and cost estimates.

LD18.00.00 Tree Preservation / Landscape Plan Review Fee

The Tree Preservation / Landscape Plan Review Fee is based on the total (gross) acreage of the project. Final Site approval will not be issued until this fee is paid. The non-refundable fee will be charged at the rate of:

- a. Less than five acres - \$400.00
- b. Five acres or more - \$50.00 per acre with a minimum charge of \$400.00

LD18.01.00 Tree Preservation / Landscape Plan Penalty Review fee:

- a. Less than five acre - \$800.00
 - b. Five acres or more - \$100.00 per acre with a minimum charge of \$800.00
-

LD19.00.00 Landscape Deposits

Landscape Deposits listed in this section are for all sites other than sub-division developments. Final Site approval will not be issued until this deposit is made.

LD19.01.00 **Implementation Deposit** – After the Final Tree Preservation / Landscape Plans, planting specifications and cost estimates have been approved, and prior to the issuance of Final Site Approval, the Developer shall post with the City of Troy an Irrevocable Bank Letter of Credit and/or cash deposit that will serve as the Implementation Deposit.

LD19.01.01 The amount of Implementation Deposit shall be determined by the Parks and Recreation Department based on the following percentages:

- a. Forty-five (45) percent of the total project's landscaping costs of \$3999.99 or less
- b. Twenty-five (25) percent of the total project's landscaping cost of \$4000.00 or more.

LD19.01.02 **No inspections shall be made if Bank Letter of Credit has expired.**

LD19.02.00 **Maintenance Deposit** – Once the Final Tree Preservation / Landscape plan has been fully implemented and the implementation has been approved by the City of Troy (LD27.00.00), the City of Troy shall release the Landscape Deposit less the *Maintenance Deposit*. Twenty (20) percent of the total estimate or \$1000.00 (whichever is greater) shall be posted as a Maintenance Deposit with the Parks and Recreation Department prior to the issuance of the final Certification of Occupancy. **Bank Letter of Credit will not be accepted for the**

Maintenance Deposit. The Property Owner/Developer is responsible for requesting all inspections

- LD19.02.01 Final inspection of the landscape for release of Maintenance Deposit may be called for one year after receiving implementation approval. The Property Owner/Developer is responsible for requesting all inspections
- LD19.02.02 The intent of this requirement is to ensure that all dead, dying, diseased and/or weakened plant materials found during the Final Maintenance Inspection shall be replaced with viable plant materials during the next acceptable planting season. Additionally, it ensures that the site has received proper landscape maintenance.
- LD19.02.03 The Irrevocable Bank Letter of Credit and/or cash deposit will be held for a minimum of one year. The Developer/Property Owner is responsible for requesting inspections. The Developer/Property Owner will be notified by the City of any replacements / repairs / corrections required. The replacements / repairs / corrections to the landscape shall be made within thirty days of notice unless **otherwise** approved by City.
- LD19.02.04 When the replacements / repairs / corrections have been made to the satisfaction of the City, the Bank Letter of Credit and/or cash deposit will be released, and a final project approval will be forwarded to the Building Department.
- LD19.02.05 Failure on the part of the Property Owner to comply with these standards may result in the forfeiture of either or both of the Irrevocable Letters of Credit and/or cash.
- LD19.02.06 Should it be found that the Bank Letter of Credit has expired before the City has performed the Final Implementation Inspection and approved the landscape, the amount of the appropriate deposit and all administrative costs, may (at the City's discretion) be levied against the property.
- a. Levying of such cost shall be certified by the Director of Parks and Recreation to the City of Troy Treasurer and shall become a lien upon such property, and shall be included in the next tax bill rendered to the Property Owner or Property Owners unless paid before and shall be collected in the same manner as other taxes against such property.
 - b. Of the monies collected in this manner only the original amount of the deposit is refundable and only after the maintenance inspection has been completed and the landscape receives final approval.
- LD19.03.00** Depositor shall forfeit the Maintenance Deposit if the Maintenance Inspection is not called for within three years of Final Implementation Inspection, or unless otherwise approved by the Director of Parks and Recreation.

-
- LD20.00.00 Tree removals prior to Final Site Approval –
No tree, regardless of size, shall be removed without Final **Plan** Site Approval.
- LD20.01.00** Undergrowth may be removed at any time. However, if in the process of removing the undergrowth, soil is disturbed, all work shall cease until the City's Environmental Specialist clears the site for the continuation of work.
- LD20.02.00** The Parks and Recreation Department shall be notified twenty-four hours prior to the beginning of **any** type of clearing operation.

LD21.00.00 Violation of Tree Preservation plan

Performing any tree or *plant* removals in violation of the City Ordinance Chapter 28 (Tree and Plant Ordinance) and/or the “Tree Preservation and Landscape Design Standards” shall result in the following:

- a. Issue of “Stop Work Order”
 - b. Cancellation of all currently held Tree Preservation and Landscape approvals.
 - c. See City ordinance 28.16.02
-

LD22.00.00 Landscape Installation

Prior to and during landscape installation:

LD22.01.00 No landscape work shall take place without final site approval.

LD22.02.00 The Parks and Recreation Department shall be notified of the proposed starting date twenty-four (24) hours before work on the project begins.

LD22.03.00 Landscaping not conforming to approved drawing and specification shall result in the:

- a. Issuance of a “Stop Work Order”
- b. Cancellation of all currently held permits
- c. **Additional fees as per LD18.01.00**
- d. All changes in approved Final Tree Preservation / Landscape plans shall be approved in writing prior to implementation of changes.

LD22.04.00 No temporary or final certificate of occupancy will be granted until these Standards are complied with fully.

LD23.00.00 Tree and Plant Protection

Developer is required to:

LD23.01.00 Adhere to the tree and plant protection measures as listed in Chapter 28 of City Code.

LD23.02.00 If encroachment into a tree protection area occurs, resulting in irreparable damage to the trees or the area inside the tree protection area, a “Stop Work Order” will be issued and the Final Tree Preservation/Landscape plan shall be revised to indicate reforestation planting required compensating for tree loss/damage. (see City ordinance 28.16.02) All revised plans will have to be re-approved. (see LD18.01.00)

LD23.03.00 Under no circumstance shall the Developer be relieved of the responsibility of compliance with the provisions of this Standard, City Ordinances and Developmental Standards.

LD23.04.00 Pre-construction Tree Protection

Prior to construction:

- a. All protective measures as outlined in this standard and City Ordinance 28.08.00 shall be in place before any site work will be permitted.
- b. Remove non-preserved trees. Cut rather than push over with dozers to protect roots of preserved trees.
- c. With City approval, the Developer may prune limbs in the way of improvements prior to construction.

LD23.05.00 Construction Tree Protection

During construction operations:

LD23.05.01 Keep all construction activities out of “Tree Protection Area” (City Ordinance 28.02.26). NO storage of any type of materials, equipment, or any other activity will be allowed inside the Tree Protection Area.

LD23.06.00 Post—Construction Tree Protection

After all construction and the establishment of final grade:

- a. Remove all tree protective barriers
- b. Prune any damaged trees
- c. Replace preserved trees that died during construction (see City Ordinance 28.16.02)

LD24.00.00 **Inspection Schedule** - The intent of the following sections is to inform the Developer of the inspection schedule which will be employed by the City of Troy during the landscape construction period. This section also informs the Developer of what procedures must be employed in order to receive an inspection at the request time, and the scope of each inspection. Developer / Property Owner is responsible for requesting all inspections.

LD25.00.00 **Initial Site Inspection** - When the Parks and Recreation Department receives any plans, a site inspection may be made to help the reviewer(s) determine if any problems areas can be found that may not be fully delineated on the plans. This will also help the reviewers realize the full impact of the proposed development on the local environment.

LD26.00.00 **First Implementation Inspection**
After the Final Tree Preservation Landscape plan has been approved, review fee paid, landscape deposit posted, Final Site Approval issued, and the Parks and Recreation Department has been notified of installation schedule, the implementation of the Final Tree Preservation / Landscape plan can begin.

LD26.01.00 During the implementation of landscape the City reserves the right to perform unscheduled inspections of the site, and all landscape materials.

LD26.02.00 Developer shall be advised of any sub-standard plant materials, which shall be removed from the site.

LD26.02.00 Developer shall be advised of any installation concerns. These concerns shall be corrected within the time frame given or a “Stop Work Order” will be issued.

LD26.03.00 Failure to follow this procedure on the part of the Developer will result in a “Stop Work Order”.

LD27.00.00 Final Implementation Inspection

The Developer/Property Owner will request a Final Implementation Inspection by the City of Troy at least five (5) working days prior to the proposed inspection date.

LD27.01.00 When the project has been approved by the City of Troy, the Parks and Recreation Department shall forward to the City of Troy Building Department all approvals and upon receipt of Maintenance Deposit the City will release the Implementation Deposit.

LD27.02.00 In cases where the City has not approved the project, the objections shall be outlined in writing and shall be forwarded to the Developer and Building

Department. This notice will also stipulate the date and/or dates by which the required alterations will be completed.

LD27.03.00 When a project has not been approved at the time of the Final Implementation Inspection, additional inspections will be made as the required alterations have been completed. The Developer /Property Owner will contact the City of Troy at least twenty-four (24) hours prior to the proposed re-inspection date.

LD27.04.00 The deposits will not be returned until the required corrections are complete.

LD28.00.00 Maintenance Inspection (Final)

This inspection will take place a minimum of twelve (12) months and a maximum of thirty-six (36) months after the last Implementation Inspection. The depositor forfeits the Landscape Maintenance Deposit after thirty-six (36) months. Developer/Property Owner is responsible for requesting all inspections.

LD28.01.00 It is the responsibility of the Developer/Property Owner to contact the City of Troy and request all inspections. Requests shall be made at least five (5) working days before inspection date.

LD28.02.00 All materials that do not pass this inspection will be listed in written form and forwarded to the Developer by the City of Troy. This notice will also stipulate the date by which all replacements will be completed.

LD28.03.00 When a project **is not** approved at the time of the Maintenance Inspection, additional inspections will be made when the required alterations have been completed. The date for this inspection can be established by contacting the City of Troy at least forty-eight (48) hours prior to the proposed inspection date.

LD28.04.00 When the project **is not** approved by the City of Troy, the Maintenance Deposit shall be released.

LD28.05.00 Failure on the part of the Developer **to follow the procedures in this section,** will result in the forfeiture of the Irrevocable Bank Letter of Credit and/or cash deposit.

LD29.00.00 Landscape Contractor Qualifications - The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser and/or Landscape Contractor **are to be.** Information as to the responsibilities of the Landscape Contractor other than the simple implementation of the landscape plans can be found in this section of these standards.

LD29.01.00 The Landscape Contractor (person and/or firm responsible for the implementation of the approved landscape development plan) shall be licensed by the State of Michigan, Department of Agriculture Plant Industries Division to handle plant materials.

LD29.02.00 The Landscape Contractor will be covered by a public liability property damage insurance policy.

LD29.03.00 The Landscape Contractor shall conform to all Federal and State Labor Laws.

LD30.00.00 Landscape Contractor Responsibilities

The Landscape Contractor shall guarantee that all plants are true to botanical name, and that the quality and size meet the approved specifications.

LD30.01.00 The Landscape Contractor shall fully guarantee that all plants are in a vigorous growing condition during and at the end of the guarantee periods. This

guarantee period shall be minimum of one (1) year from the issuance of Final Implementation Inspection.

LD30.02.00 Replacement plants and/or landscape materials other than plants shall be in accordance with the approved original specifications.

LD30.03.00 The Contractor shall at all times keep the premises and public streets free from any excessive accumulation of soil and waste material or rubbish caused by his employees or work, and at the completion of the work, he shall remove all his waste, excessive material, rubbish and equipment so as to leave the premises neat and clean and ready for the purpose for which it was intended.

LD30.04.00 The Landscape Contractor shall properly protect all existing structures and property on land abutting the project. This is to include, but not be limited to:

- a. Sidewalks
- b. Curbs
- c. Fences
- d. Buildings
- e. Lawns
- f. Trees
- g. Shrubbery
- h. Irrigation systems
- i. Lighting systems
- j. Ornamental structures

LD31.00.00 Tree Appraiser Qualifications –

The intent of this section of the Standards is to inform the Developer of what minimum qualifications a Tree Appraiser **are to be**.

Information as the responsibilities of the Tree Appraiser other than the simple implementation of the landscape plans can be found in this section.

LD31.01.00 A qualified Tree Appraiser shall have a minimum of two (2) years of college in the areas of Horticulture, Forestry, Urban Forestry, Landscape Architecture or related field or two (2) years experience at a supervisory level in one of these disciplines or related fields. The Parks and Recreation Department will review credentials upon request of the Developer.

LD32.00.00 Tree Appraiser Responsibilities

Shall be able to provide the necessary graphic and written reports as outlined in this standard.

LD32.01.00 The Tree Appraiser shall be held accountable for the accuracy of all graphic and written submittals.

LD33.00.00 Plant Material Requirements - The intent of this section to inform the Developer of the minimum requirements placed on all plant materials used to implement those landscape requirements as called for by the City Code.

The following information includes the definitions of the seven (7) major plant groups that come under the control of these standards and the specific requirements placed on each plant group.

LD33.01.00 Broadleaf Evergreens - As the name implies, this group of plant materials have broad leaves, rather than needles, and retain their foliage throughout the winter months. This plant group is a woody ornament having both low spreading varieties and shrub forms.

- a. Minimum required size for low spreading varieties of broadleaf evergreens is fifteen (15) to eighteen (18) inches in width.
- b. Minimum required size for shrub form broadleaf evergreens is eighteen (18) to twenty-four (24) inches in height.

LD33.02.00 Coniferous Evergreens - This group of plant materials maintains its foliage throughout the entire year in a green condition. These plants are woody ornamentals and for the most part, have very narrow leaves, often referred to as needles. It should be noted that coniferous evergreens have both spreading and upright varieties.

- a. Minimum required size for spreading coniferous evergreens is fifteen (15) to eighteen (18) inches in width.
- b. Minimum required size for upright coniferous evergreens is five (5) to six (6) feet in height.

LD33.03.00 Deciduous Shrubs - This group is made up of those woody ornamental plants with several self-supporting stems, which lose their foliage each autumn.

- a. Each plant will have a minimum of at least three (3) stems, at least eighteen (18) to twenty-four (24) inches long.
- b. This requirement does not preclude the possibility of using espaliered or topiary shrubs.

LD33.04.00 Deciduous Shade and Small Flowering Trees - These trees and shrubs are those woody ornamental; plant materials with one or more self-supporting stems or trunks with a usually well-defined branching network located near the distal end of the trunk. The foliage of this plant group is dropped each autumn, and is renewed in the spring of the year.

- a. The minimum heights and caliper requirements for shade trees are as follows:
 1. The minimum caliper - two (2) inches to two and one half (2½) inches.
 2. The minimum height - ten (10) feet.
- b. The minimum height and caliper requirements for small flowering trees are as follow:
 3. Minimum caliper - one and one-half (1½) to one and three-quarters (1¾) inches.
 4. Minimum height – five (5) feet.
- c. It should be noted that all caliper measurements will be taken at least six (6) inches above the graft (on grafted materials) and six (6) inches above root, shoot junction on all non-grafted materials.
- d. All height measurements will be taken from the soil line at the base of the tree to the end of the central leader.

- e. Minimum Soil Surface Areas – When planting trees in areas totally surrounded by impermeable surfacing (i.e. Concrete, pavers, asphalt buildings, etc.), there shall be a minimum of thirty-six (36) square feet of exposed soil surface for each tree.
- f. All tree spacing in the landscape and setbacks from overhead utility lines shall conform to City Ordinance 28.15.06 & Figure #5 (see below) unless otherwise required (see Developmental Standards) or approved by the City.

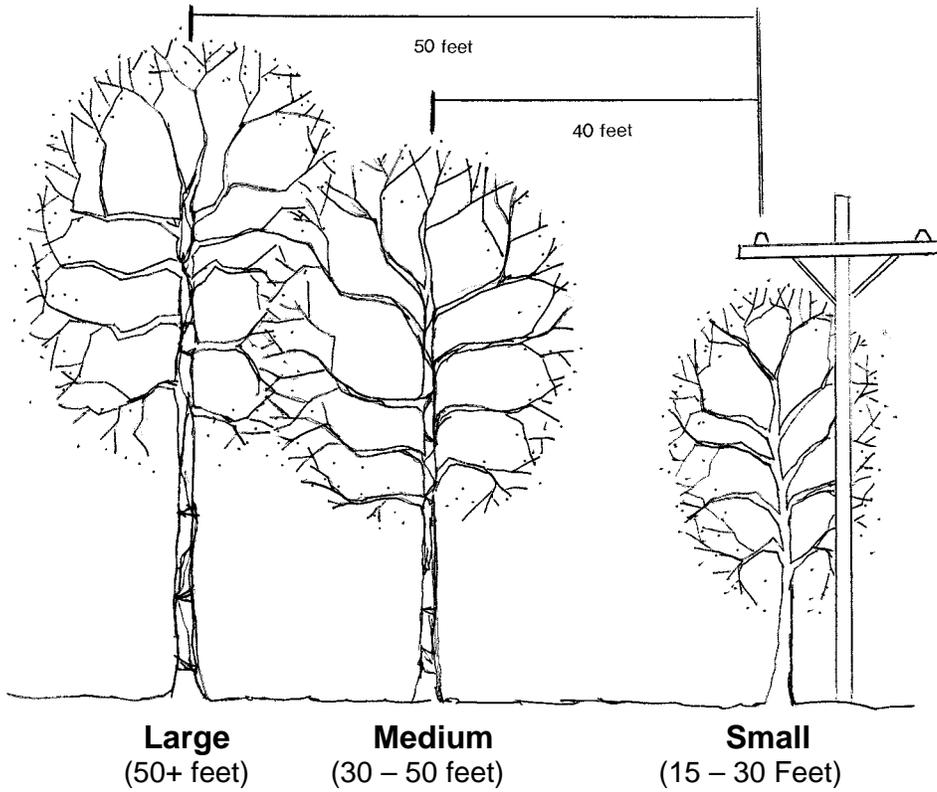


figure # 5

LD33.05.00 Ground Covers

- a. As a general requirement placed on all ground covers, no rooted cuttings shall be deemed as acceptable plant materials. All ground cover materials shall be at least one (1) year bedded stock.
- b. The following requirements shall govern those ground covers that spread over the desired area by the use of above ground runners:
 - 1. The minimum number of runners required per plant - three (3).
 - 2. The minimum required length of each runner - six (6) inches.
- c. Maximum spacing between plants at installation shall not exceed:
 - 1. 4" root ball and smaller - six (6) inches on center.
 - 2. 6" root ball – twelve (12) inches on center
 - 3. one gallon – twenty four (24) inches on center
- d. The following requirements shall govern those ground covers that spread over the desired area by the use of under ground runners:
 - 1. All plants shall be potted either four (4) or six (6) inch pots.
 - 2. All plants shall be well balanced and have a well-established root system.

LD33.06.00 Perennials – This group is made up of those herbaceous ornamental plants that generally dies down to the ground each fall, but re-grow from the root system for a minimum of three years.

- a. The following requirements shall govern perennial plants:
 1. All plants shall be potted in minimum six (6) inch pots
 2. All plants shall have a well-established root system.
- b. Spacing - If used in a mass planting the maximum spacing between plants shall not exceed:
 1. Plants with foliage height between one (1) and six (6) inches – twelve (12) inches on center.
 2. Plants with foliage height between seven (7) and twelve (12) inches – eighteen (18) inches on center.
 3. Plants with foliage height between thirteen (13) and twenty-four (24) inches – thirty (30) inches on center.
 4. Plants with foliage height between twenty-five (25) and thirty-six (36) inches – thirty-six (36) inches on center.
 5. Plants with foliage height greater than thirty-six (36) inches – forty-eight (48) inches on center

LD33.07.00 Turf Grass - Those herbaceous plant materials, which have a low spreading growth habit covering the soil surface often used in lieu of an ornamental ground cover, or an organic/inorganic material such as woodchips or stone.

- a. City's Development Standards shall govern turf grass installations.

LD34.00.00 Other Requirements Placed on Plant Materials - The following information is a list of all other requirements placed on all plant materials used in the implementation of those landscape projects called for by City Code.

- a. All plant material shall conform in botanical name, dimensions, and quality of the "Horticultural Standards" adopted by the *American Association of Nurserymen*.
- b. All bare root plant material shall have a well-branched root system, characteristic of the species. The root system will meet the minimum standards for bare root nursery stock as set down by the *American Association of Nurserymen*.
- c. Balled and Burlapped plant material shall be balled with original soil, intact with the fibrous roots to insure maximum recovery after transplanting.
- d. Plants shall conform to the above standards when materials are balled and burlapped.
- e. Potted plants shall have sufficient root structures to ensure full recovery and development.
- f. Any plants existing on the site requiring relocation must be dug in accordance with the above stated standards.
- g. Nursery stock shall be vigorous, free from disease, insects, insect eggs, or larvae.

- h. All tree selections shall be made using the City's "Recommended Deciduous Trees" list unless otherwise approved.
- i. Substitution of materials included in an approved plan shall only be made with the consent of the City of Troy. The Property Owner/Developer may request an amendment verbally or in writing. Approval can be given verbally and followed up in writing. The Property Owner/Developer shall provide an as-built drawing indicating the changes prior to the request for the implementation inspection.
- j. All plantings shall be 100% guaranteed for one (1) year after the City releases relevant landscape deposits.

LD35.00.00 Prohibited Plant Materials -

Plants that shall not be planted by the general public and Developers within the *City* include the following plants and all cultivars thereof:

LD35.01.00 Permanent Ban:

- | | |
|--------------------------------|--|
| a. Acer saccharinum | - Silver Maple |
| b. Acer negundo | - Box Elder |
| c. Acer platanoides | - Norway maple |
| d. Ailanthus altissima | - Tree of Heaven |
| e. Catalpa speciosa | - Northern Catalpa |
| f. Fraxinus spp. | - Ash, all forms |
| g. Paulownia tomentosa | - Royal Empress Tree |
| h. Populus spp. | - Poplar / Cottonwood |
| i. Pyrus calleryana 'Bradford' | - Bradford Pear |
| j. Salix spp. | - Willow (excluding shrub forms) |
| k. Ulmus spp. | - Elm (excluding cultivars of
U. parvifolia & U. americana) |

LD35.02.00 Temporary Ban:

As of May 8, 2006 the City will not approve the following plants, and all cultivars thereof, for planting in the City of Troy.

- | | |
|--|---------------|
| a. Acer spp. (excluding Japanese forms) | -Maple |
| b. Betula spp. | -Birch |
| c. Gleditsia triacanthos | -Honeylocust |
| d. Platanus occidentalis | -Sycamore |
| e. Quercus spp. | -Oak |
| f. Robinia pseudoacacia | -Black Locust |
| g. Sorbus acucparia | -Mountain Ash |
| h. Tilia spp. (excluding tomentosa 'Sterling') | -Linden |

LD35.03.00 Temporary bans will be review by the City every five (5) years to determine if plants should be added, removed or remain on the list.

LD36.00.00 Site Preparation Prior to Plant and Irrigation Installation

LD36.01.00 No construction debris larger than one (1) inch in any dimension shall be found in the top twelve (12) inches of soil after completion of rough grading.

LD36.02.00 No construction debris larger than six (6) inches in any dimension shall be found between twelve (12) inches and twenty-four (24) inches below the topsoil.

- LD36.03.00** Rough grades shall be established prior to soil fracturing.
- LD36.04.00** Developer shall submit drawings indicating areas to be fractured. City reserves the right to add or delete areas.
- LD36.05.00** Prior to the introduction of topsoil or soil improvers all designated areas not covered by hard surfaces, buildings, fences, etc. but excluding the tree protection area(s) and retention/detention ponds, shall be mechanically fractured to a minimum depth of eight (8) inches and re-graded to rough grades. Approved fracturing techniques include but shall not be limited to:
- a. Plow
 - b. Hydro jet
 - c. Till
 - d. Drill-n-fill
 - e. Compressed air treatments
 - f. Hollow tine aerification
- LD36.06.00** To reduce the degree of difficulty during soil compaction mediation, the City encourages Developers/Contractors to limit and confine activities that will cause and/or increase soil compaction.
- LD36.07.00** Once the soils have been mechanically fractured, re-compaction of the soils shall be avoided. Should it be found that re-compaction or inadequate fracturing has occurred, the City shall designate those areas that shall be re-fractured.
- LD36.08.00** Should it be determined, by the City, that soil fracturing can not be done in all areas, then:
- a. Each location to receive a tree:
 1. Shall be radiate trenched. Eight (8) trenches shall radiate out from the tree planting hole, and shall measure a minimum of fifteen (15) feet long from center of hole, a minimum of thirty-six (36) inches deep, and a minimum of six (6) inches wide.
 2. 2/3 original soil, 1/3 decomposed organic matter shall be mixed and used as the trenching backfill.
 - b. Each location to receive shrubs/perennials/etc. shall be excavated to a depth of twelve (12) inches and backfilled with screened topsoil. (see LD36.01.00)
- LD36.09.00** All areas to be maintained as turf shall receive a minimum of two (2) inches of screened topsoil after fracturing. (see LD36.01.00)
- LD36.10.00** All finished grades shall be a minimum of one (1) inch and a maximum of two (2) inches below hard surfaces (i.e. concrete, asphalt, etc.) unless otherwise approved by the City.
- LD36.11.00** Finish grading shall not be done when soils are wet.

LD37.00.00 Landscape Designer Qualifications and Responsibilities

Individuals designing landscapes for **Site Plan Approval, Special Use Approval, or Subdivisions Plat Approval**, prior to doing the submitted designs, shall have one of the following qualifications:

- a. For proposed landscapes with total installed cost of \$2000.00 or less - Michigan Certified Nurseryman or equivalent from another state.

- b. Landscapes with total installed cost over \$2,000.00 to \$350,000.00 - Bachelors in Landscape Architecture, Architecture, Landscape Design, Horticulture, or Agriculture.
- c. Landscapes with total installed cost over \$350,000.00 – Registered Landscape Architect.

LD37.01.00 Responsibilities – Individuals creating landscape designs for commercial Properties and/or subdivisions shall:

- a. Thoroughly acquaint themselves with site conditions found in the general area and on their specific project. This shall include but not be limited to:
 - 1. All plants hardy to USDA Hardiness Zone 5b
 - 2. Typical soil type – heavy clay
 - 3. Plants located next to streets must tolerate aerial salt.
- b. Produce high quality, easy to read, scaled drawings and details.
- c. Produce an aesthetic design using the unique features on the site.

Landscaping Required



District

Present Landscape Requirements

C-F, B-1, B-2, B-3, H-S, O-1, O-M, O-S-C, R-C, M-1, P-1

- ✓ Ten (10) foot greenbelt along any public street, with one (1) tree for every thirty (30) lineal feet of frontage.
 - ✓ Ten (10) percent of site area landscape – front and side yards only.
 - ✓ General Note – not more than twenty (20) percent of required landscape area will be covered with non-living material, i.e. woodchips, stone etc.
-

R-1, R-2

- ✓ Subdivision Control Ordinance requirements only
-

CR-1

- ✓ Ten (10) foot greenbelt along any public street, with one (1) tree planted for every twenty (20) feet of frontage.
 - ✓ Five (5) foot berm along any property line abutting a major thoroughfare with one (1) tree planted for every twenty (20) feet of frontage.
 - ✓ Fifteen (15) percent of site shall be landscaped open space.
 - ✓ One (1) tree shall be planted for every two (2) dwelling units.
-

R-1T, R-M, R-EC

- ✓ Ten (10) foot greenbelt along any public street with one (1) tree planted for every twenty (20) feet of frontage.
 - ✓ Four (4) foot berm along any property line abutting a major thoroughfare, with one (1) tree planted for every twenty (20) feet of frontage.
 - ✓ Five (5) berm along any property line abutting freeway, landscaped with double row six (6) feet apart, evergreen species, four (4) feet on center staggered two (2) feet on center.
-

RM-1

- ✓ Same as R-1T and R-M, with the exception that a five (5) foot rather than a four (4) foot minimum height berm is required along any property line abutting a major thoroughfare.
-

RM-2, RM-3

- ✓ Same as RM-1 with the following exceptions:
 - Seventy-five (75) percent (vs. 70%) of required yards shall be landscaped
 - Overall requirement for four hundred and fifty (450) feet of landscaped open space per dwelling unit. Sixty (60) percent of this open space area shall be located in direct proximity to the buildings.

CITY OF TROY

AN ORDINANCE TO AMEND
THE CODE OF THE CITY OF TROY
BY THE ENACTMENT OF **CHAPTER 28**

The City of Troy ordains:

Section 1. Short Title

This Ordinance shall be known and may be cited as **Chapter 28**, Tree and Plant Regulations, of the Code of the City of Troy.

Section 2. Amendments

The Code of the City of Troy shall be amended as follows:

**CHAPTER 28
TREE AND PLANT REGULATIONS**

- 28.01.00 Purpose and Intent**
- 28.02.00 Definitions**
- 28.03.00 Responsibility**
- 28.04.00 Permits for Planting, Care and Removal of Plants – Public Space**
- 28.05.00 Plant Removal – Public Space**
- 28.06.00 Duties of Private Plant Owners**
- 28.07.00 Plant Protection – Public Spaces**
- 28.08.00 Plant Protection During Development – Public & Private Property**
- 28.09.00 Excavations Near Plants – Public Space**
- 28.10.00 Covering the Surface Near Trees – Public Space**
- 28.11.00 Regulations for New Planting – Public SPaces**
- 28.12.00 Corner Clearance (Visual Barrier Setback)**
- 28.13.00 Private Plant Inspection**

28.14.00 Lawn Extension and Subdivision Entry Islands/Cul-de-sac Islands

28.15.00 Tree Spacing

28.16.00 Violation of Tree and Plant Regulations

28.17.00 Procedure for Ordering Action on Violations of Tree and Plant Regulations

Figure #1

Figure #2

Figure #3

Figure #4

Figure #5

Section 4. Savings

All proceedings pending, and all rights and liabilities existing, acquired or incurred, at the time this Ordinance takes effect, are hereby saved. Such proceedings may be consummated under and according to the ordinance in force at the time such proceedings were commenced. This Ordinance shall not be construed to alter, affect, or abate any pending prosecution, or prevent prosecution hereafter instituted under any ordinance specifically or impliedly repealed or amended by this Ordinance adopting this penal regulation, for offenses committed prior to the effective date of this Ordinance; and new prosecutions may be instituted and all prosecutions pending at the effective date of this Ordinance may be continued, for offenses committed prior to the effective date of this Ordinance, under and in accordance with the provisions of any ordinance in force at the time of the commission of such offense.

Section 5. Severability Clause

Should any word, phrase, sentence, paragraph or section of this Ordinance be held invalid or unconstitutional, the remaining provision of this Ordinance shall remain in full force and effect.

Section 6. Effective Date

This Ordinance shall become effective ten (10) days from the date hereof or upon publication, whichever shall later occur.

This Ordinance is enacted by the Council of the City of Troy, Oakland County, Michigan, at a regular meeting of the City Council held at City Hall, 500 W. Big Beaver, Troy, MI, on the _____ day of _____, 2006.

Louise E. Schilling
Mayor

Tonni L. Bartholomew, MMC
City Clerk