

## ARTICLE XII. - LANDSCAPING, BUFFERYARD, PARK AND OPEN SPACE STANDARDS

### Sec. 14-307. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Canopy tree.* Any self-supporting woody plant with one well-defined trunk and a distinct and definite formed crown which attains a height of at least 30 feet such as Oaks, Pecans, Sweet Gum, Southern Magnolia, Slash Pine, Loblolly Pines, Sycamore, Bald Cypress, Winged Elm, Cedar Elm, and Chinese Elm.

*Drip line.* The periphery of the area underneath a tree which would be encompassed by perpendicular lines dropped from the farthest edges of the crown of the tree.

*Groundcover.* A spreading plant including sods and grasses with a mature height of less than 18 inches in height.

*Landscaped area.* That area within the boundaries of a lot which is devoted to, and consists of, plant material, including but not limited to grass, trees, shrubs, flowers, vines and other groundcover, native plant materials, planters, brick, stone, natural forms, water forms, aggregate and other landscape features; provided, however, that the use of brick, stone, aggregate or other inorganic materials shall not predominate over the use of organic plant material. Smooth concrete or asphalt are not approved materials within the landscaped area.

*Landscaping.* Trees, shrubs, ground cover, vines or grass installed in planting areas, having a minimum of ten square feet of actual plantable area and a minimum inside dimension on any side of 18 inches.

*Large tree.* A tree with an expected mature height of more than 50 feet, including most oaks, maples, pines, elms, hickories, and pecans.

*Noncanopy tree.* Any self-supporting woody plant with one or more trunks which attains a height of at least 15 feet such as Eastern Redbud, Southern Golden Raintree, and Flowering Pear.

*Protected tree.* A tree on public property, a large street tree, or a large tree in the front or side street-facing yard of private property with a trunk diameter larger than six inches (measured at four feet off the ground) that is not an undesirable tree or a tree having replaced a protected tree.

*Shrub.* A woody perennial plant differing from a perennial herb by its more woody stem and from a tree by its low stature and habit of branching from the base.

*Street tree.* A tree on a public street right-of-way with[in] the city.

*Tree.* A woody plant having one well-defined stem or trunk having a more or less definitely formed crown, and ordinarily attaining a mature height of not less than six feet.

*Undesirable tree.* A tree planted or existing in violation of the spacing requirements of this article, a tree that is dead or dying as determined by the director of public works or a professional arborist, a tree that is a hazard to public health, or a tree that has damaged and will continue to damage property.

(Ord. No. 95-04, § 1(1101), 2-20-95; Ord. No. 00-15, § 2, 5-15-00; Ord. No. 03-31, § 1, 9-15-03)

**Cross references:** Definitions generally, § 1-2.

### **Sec. 14-308. Procedures.**

- (a) Applications for residential building permits shall show the required landscaping by noting the square footage of the landscaped area and the location of the required trees on the site plan.
- (b) Application for nonresidential building permits shall provide a site plan as described in subsection 14-6(d) with the following additional information:
  - (1) The location, size and type (tree, shrub, ground cover, grass) of proposed landscaping in proposed landscaped areas;
  - (2) The location and size of proposed landscaped areas;
  - (3) The location and species of existing trees eight inches or larger in diameter and the approximate size of their crowns;
  - (4) Information necessary for verifying whether the required minimum percent of landscaped area has been met;
  - (5) An explanation of how the applicant plans to protect the existing trees, which are proposed to be retained from damage during construction;
  - (6) The proposed irrigation system as required by subsection 14-310(7);
  - (7) The certification of an engineer, surveyor, landscape architect or architect registered in the state, or full-time professional building designer that the plans satisfy the requirements of this section, provided, however, that for a development greater than two acres in size, such plans and certification shall only be made by landscape architect registered in the state.

- (c) The building official shall inspect each site not later than 12 months after issuance of the certificate of occupancy to ensure compliance with the requirements of this section.
- (d) If, at the time of an application for a certificate of occupancy, the required landscaping is not in place, the owner shall make fiscal arrangements (by bond, certificate of deposit, or letter of credit) satisfactory to the city in the amount of \$2.00 per square foot of required landscaping not in place to ensure that such required landscaping shall be installed. A property owner making such fiscal arrangements must grant the city a license to enter upon the land for the purposes of installing the required landscaping in the event that such landscaping is not in place at the time of the inspection required by the preceding subsection. Such fiscal arrangements shall be released, if the required landscaping is in place at the time of such inspection.

(Ord. No. 00-15, § 3, 5-15-00)

**Editor's note:** Ord. No. 00-15, § 3, adopted May 15, 2000, repealed § 14-308, which pertained to applications, and derived from Ord. No. 95-04, § 1(1102), adopted Feb. 20, 1995. Section 3 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

### **Sec. 14-309. Specific standards.**

(a) *Residential lots.*

- (1) Residential lots shall have landscaped areas which in the aggregate include not less than 50 percent of the area contained within the building setbacks.
- (2) A minimum of two trees (either existing or planted) measuring one inch or greater in diameter four feet above the ground at time of planting or measurement (if existing) are required within the front or side street setback areas.
- (3) Landscaping shall be in harmony with the surrounding area adequate to minimize visual monotony and barrenness.

(b) *Nonresidential lots.*

- (1) At least ten percent of the total area within a lot shall contain landscaped areas.
- (2) A landscaped area ten feet in width shall be provided adjacent to each street right of way. Drives and sidewalks shall not be included in the required

landscaped area except to the extent to which they may be required to cross the buffer to provide access.

- (3) All open, unpaved space including, but not limited to, front, side and rear building setback areas shall be landscaped.
- (4) An average of at least ten feet and a minimum of five feet shall be a landscaped area and walkway between the building and parking areas.
- (5) Trees, either existing or planted, measuring a minimum of two inches average diameter measured four feet above ground level at the time of planting or measurement (if existing) shall be provided according to the following standards:
  - a. In lots containing 20,000 square feet or less, one tree per 2,000 square feet, or fraction thereof;
  - b. In lots containing more than 20,000 square feet, but less than 100,000 square feet, ten trees, plus one tree per 2,500 square feet or fraction thereof in excess of 10,000 square feet;
  - c. In lots containing more than 100,000 square feet, 46 trees plus one tree per 5,000 square feet, or fraction thereof, over 100,000 square feet;
  - d. A minimum of 25 percent of the trees required by this section shall be canopy trees with the remainder in noncanopy trees.

Each tree planted shall be in a planting area with a radius not less than three feet measured from tree trunk to the near edge of the landscaped area. All tree plantings shall be encompassed with an approved curb barrier to prevent access by vehicular traffic.

- (6) Ground signs. A landscaped area not less than ten feet in width shall be located around the supporting structure of each ground sign and extending not less than three feet beyond each end. A hedge or other durable planting, which is not less than one foot in height at the time of planting and which will attain an average height of at least three feet shall extend the entire length and width of the required landscaped setup. Two flowering trees, not less than eight feet in height, shall be located within the required landscape setup. The remainder of the landscaped setup may be in grass or a decorative ground cover.
- (7) Parking lots and other vehicular areas. Vehicular use areas, parking areas, parking lots, and their parked vehicles shall have effective buffering from the street view. A minimum amount of the total area of all vehicular use areas and parking areas of a lot shall be devoted to landscaped islands, peninsulas, or

medians. The minimum total area in such islands, peninsulas, and medians shall be 90 square feet for each 12 parking spaces therein. No parking space shall be located further than 50 feet from a permeable landscaped island, peninsula or median or tree. All islands, peninsulas and medians required in the areas stated above, shall be more or less evenly distributed throughout such parking areas, respectively; however, the distribution and location of landscaped islands, peninsulas, and medians may be adjusted to accommodate existing trees or other natural features so long as the total area requirement for landscaped islands, peninsulas, and medians for the respective parking areas above is satisfied.

(Ord. No. 00-15, § 4, 5-15-00)

**Editor's note:** Ord. No. 00-15, § 4, adopted May 15, 2000, repealed § 14-309, which pertained to procedures, and derived from Ord. No. 95-04, § 1(1103), adopted Feb. 20, 1995. Section 4 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

#### **Sec. 14-310. General standards.**

- (1) The existing natural landscape character shall be preserved to the extent reasonable and feasible. The developer shall use his best good faith efforts to preserve existing trees. In determining whether there is compliance with this subsection the city shall consider topographical constraints on design, drainage, access and egress, utilities and other factors reasonably related to the health, safety and welfare of the public which necessitate disturbance of the existing natural character, the nature and quality of the landscaping installed to replace it; and such other factors as may be relevant and proper. Indiscriminate clearing or stripping of natural vegetation on a lot is prohibited.
- (2) All newly planted trees shall be planted in a permeable area not less than three feet in width. Permeable pavers may be considered as permeable cover. The impervious cover within the landscaped area encompassing the drip line of any tree shall not exceed 50 percent of the landscaped area.
- (3) The developer shall use native or naturalized plants and trees which are capable of vigorous and healthy growth in this area.
- (4) Landscaped areas shall be maintained in a vigorous and healthy condition, free from disease, pests, weeds and litter. Maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching and other maintenance in accordance with generally accepted horticultural practice. Plant materials which are dead, diseased or severely damaged shall be removed and replaced by the landowner as soon as possible, but not later than 60 days after notification; provided, however, that trees which are dead, diseased or severely damaged, shall

be removed no later than 60 days after notification and replaced not later than six months after notification or by the next planting season, whichever comes first.

- (5) When a driveway intersects a public right-of-way or when the subject property abuts the intersection of two or more public right-of-ways all landscaping within the site triangle (see figure 14-5) shall provide unobstructed cross visibility at a level between three feet and eight feet. Landscaping shall be maintained in such a manner as not to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal or device or to obstruct or interfere with the view of the driver of an approaching, emerging or intersecting vehicle or to prevent a traveler on any street from obtaining a clear view of approaching vehicles for a distance of 250 feet along the street.
- (6) Landowner responsibilities. The landowner shall be responsible for:
  - (a) The regular maintenance of all required landscaped areas and plant materials in a vigorous and healthy condition, free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilization, pruning, mowing, edging, mulching or other needed maintenance, in accordance with generally accepted horticultural practice.
  - (b) All vegetation on each lot shall be cut as often as may be necessary to maintain the same in a neat and attractive manner. Edging and trimming shall be conducted at such intervals so as to prevent the invasion of vegetation in excess of four inches onto any sidewalk, paved walkway, driveway or curb.
  - (c) The repair or replacement of required landscape structures to a structurally sound condition.
  - (d) The regular maintenance, repair or replacement where necessary, of any required screening or buffering.
  - (e) The owner of a tree overhanging a street or right-of-way within the city shall prune the branches so that the branches will not severely obstruct the light from any street lamp or obstruct the view of any street intersection and so that there shall be a clear space of 13 feet above street surface of [or] eight feet above the sidewalk surface. The owner shall be responsible for removing all dead, diseased, or dangerous trees, or broken or decayed limbs, including tree stumps, which constitute a menace to the safety of the public. Tree pruning shall be done in accordance with accepted arboricultural standards.
- (7) Irrigation. Landscaping required by this article shall be irrigated according to the standards established below:
  - (a) One of the following methods shall be used for landscape irrigation:

1. An underground sprinkling system.
  2. An automatic water-saving irrigation system.
  3. A hose attachment within 100 feet of all landscaped areas. The irrigation method used shall provide a moisture level in an amount and frequency adequate to sustain growth of the plant materials on a permanent basis. Such irrigation method shall be in place and operational prior to issuance of certificate of occupancy.
- (b) Reserved.
- (c) All sprinkler systems shall be on a separate water meter from other uses and equipment with approved backflow prevention devices.
- (8) Plant installation. All required plant materials shall be installed according to planting details and specifications showing clearly how growing conditions adequate to sustain vigorous and healthy growth will be achieved including, but not limited to:
- (a) Protection and support of tree trunks.
  - (b) Provision of adequate conditions for root growth.
  - (c) Provision for retention of moisture.
  - (d) Protection of plants from equipment or vehicular damage.
- (9) Spacing. No large tree shall be planted within five feet of a public sidewalk or street, within five lateral feet of an underground electric, water, gas, or sewer utility line, or within ten lateral feet of an overhead electric utility wire. No street tree shall be planted within 35 feet of a street corner, or within ten feet of a fire hydrant, water meter, or street light. No street trees may be planted closer together than the average expected spread of the trees at maturity.
- (10) A person conducting excavation or construction near a protected tree shall see that the protected tree is reasonably protected including appropriate protective markings or fencing around the drip line of the tree.

(Ord. No. 00-15, § 5, 5-15-00; Ord. No. 02-15, § 1, 6-17-02; Ord. No. 03-31, §§ 2--4, 9-15-03)

**Editor's note:** Ord. No. 00-15, § 5, adopted May 15, 2000, repealed § 14-310, which pertained to landscaping requirements, and derived from Ord. No. 95-04, § 1(1104), adopted Feb. 20, 1995. Section 5 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

**Sec. 14-311. Credits toward landscaping requirements.**

- (1) An existing or planted tree which is not less than eight inches in diameter or not less than six inches in diameter and not less than 15 feet in height shall be considered as two trees for purposes of satisfying this section.
- (2) Each square foot of landscaped area which is permeable and within the area encompassed by the drip line of a tree shall count as one and one-half square feet of landscaped area for the purposes of satisfying the requirements of subsection 14-310(b), as applicable. To encourage growth of smaller trees between four and eight inches in trunk diameter, measured four feet off the ground, such trees shall receive such special credit for twice the area of the drip line. Thus, each square foot of landscaped area around such four-inch to eight-inch trees which is permeable and contiguous to the landscaped area within the drip line shall count as two square feet of landscaped area for the purposes of satisfying the requirements of subsection 14-309(b). In no case shall the actual landscaped area be less than two-thirds of the required minimum percentages under subsection 24-309(b).
- (3) The credits of subsection (2) of this section shall be subject to the following limitations: Neither overlapping drip line areas nor areas contiguous to the drip line areas which overlap shall be counted twice. Moreover, a tree drip line area shall not qualify for credit under this section if:
  - (a) Less than one-half of the drip line area is permeable cover;
  - (b) There have been any damaging changes in the original grade of the drip line under the tree; provided, however, changes in grade required by city ordinance such as sidewalks and curbing highway approaches shall not be considered as damaging changes; or
  - (c) The total of such area receiving such credit around the tree exceeds the total square footage of landscaped area within the drip line.

(Ord. No. 00-15, § 6, 5-15-00)

**Editor's note:** Ord. No. 00-15, § 6, adopted May 15, 2000, repealed § 14-311, which pertained to planting and growth of trees in street rights-of-way, and derived from Ord. No. 95-04, § 1(1105), adopted Feb. 20, 1995. Section 6 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

**Sec. 14-312. Landscaping in street rights-of-way.**

Maintenance of landscaping within street rights-of-way shall be the responsibility of the adjacent property owner. Trees, shrubs, bushes or other vegetation planted in the street right-of-way shall not interfere with the view of traffic along the street. No trees, bushes, shrubs or other vegetation greater than three feet in height shall be planted, grown or maintained within the sight triangle defined in figure 14-5.

The species of trees planted within street rights-of-way shall be ornamental varieties such as crepe myrtle, eastern redbud and other similar trees which, at maturity, attain an average height of approximately 30 feet. Trees shall not be located within four feet of a public sidewalk or the future extension of a sidewalk. Trees shall not be located within five feet of the curb.

(Ord. No. 00-15, § 7, 5-15-00)

**Editor's note:** Ord. No. 00-15, § 7, adopted May 15, 2000, repealed § 14-312, which pertained to credits toward landscaping requirements, and derived from Ord. No. 95-04, § 1(1106), adopted Feb. 20, 1995. Section 7 of said Ord. No. 00-15 adopted new provisions to read as herein set out.

#### **Sec. 14-313. Alternative compliance.**

Notwithstanding the foregoing provisions of this article, a landscape plan which is alternative to strict compliance with the various landscaping requirements of this article may be approved by the planning commission if the commission finds that such plan is as good or better than a plan in strict compliance with the various landscaping requirements of this article in accomplishing the purposes of this article. Such landscape plan shall be drawn and sealed by a landscape architect certified in the state.

(Ord. No. 95-04, § 1(1107), 2-20-95; Ord. No. 00-15, § 8, 5-15-00)

#### **Sec. 14-314. Parks, playgrounds and open space areas.**

- (a) *Dedication.* The developer of any residential lots or, in the case of multifamily residential structures, dwelling units shall dedicate land for park uses at locations designated in the comprehensive plan or otherwise where such dedications are appropriate at the rate of ten percent of the total development (as shown on the preliminary plat). A maximum of 50 percent of the dedicated area may be dedicated as open space. The developer may dedicate the area in stages if the development contains two or more phases. The developer shall show the area marked on the final plat as "dedicated for park, open space and recreation purposes."
- (b) *Money in lieu of land.*

- (1) *Variance required.* A variance from the requirement to provide parkland may be granted by the city at the time of preliminary plat approval if the dedication of park land, as required in subsection (a) of this section is determined to work an undue hardship on the development or the tract size is inadequate for park and/or recreational purposes and a park site is available within one-half mile of the development. Where a variance is granted, the developer shall deposit with the city, prior to final plat approval, a cash payment in lieu of land dedication. The developer shall deposit with the city a sum of money equal to the current assessed value of the land in the development according to the county appraisal district, based on the prorated amount of land required in subsection (a) of this section.
- (2) *Neighborhood park and recreation improvement fund.* Such deposit shall be placed in a neighborhood park and recreation improvement fund established by the city. The deposit shall be used by the city for improvement and/or acquisition of a neighborhood park, playground or recreation area. Such deposit shall be used by the city for facilities that will be actually available to and benefit the persons in such development and be located within one-half mile of the development. If, within 18 months, the city has not purchased the land for a neighborhood park, playground or recreation area or improved an existing facility within one-half mile of the development, the city shall reimburse the developer the full cash payment made in lieu of land dedication.
- (c) *Quality of park site.* The developer may, with concurrence of the city, make as extensive improvements or provide recreational facilities as desired. The developer shall dedicate land for recreation purposes of a character and location suitable for use as a playground, playfield or for other recreation purposes. The recreation site shall be relatively level and dry with a total frontage on one or more streets of at least 200 feet in depth and no other dimension of the site shall be less than 100 feet in depth. The developer, with the city's permission, may locate the tract at a suitable place on the periphery of the development, so a more usable tract will result when additional park land is obtained when adjacent land is developed.
- (d) *Open space.* The developer may dedicate open space areas in partial fulfillment of the requirements in section 14-309(a). Open space shall include all land and water dedicated as a means to conserve land and other natural resources or for historic or scenic purposes not required to be dedicated elsewhere. Areas dedicated for open space uses may include, but not be limited to, sites that:
  - (1) Present existing or potential hazards such as earth slippage or subsidence or other geological hazards;
  - (2) May be in danger of flooding from storm water runoff;

- (3) Preserve or protect scenic sites; or
- (4) Provide a buffer between incompatible land uses.
- (e) *Credit for private parks and recreational areas.* If the developer provides private open space for park and recreational purposes and such space is to be privately owned and maintained by the future residents of the development, such areas shall be credited against the requirement of dedication for park and recreational land, provided that the following standards are met:
  - (1) Yards, court areas, setbacks and other open spaces required in developments are not included in the computation of such private open spaces;
  - (2) The private ownership and maintenance of the open space is adequately provided for by written agreement; and
  - (3) The use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the development.

(Ord. No. 95-04, § 1(1108), 2-20-95)

**Sec. 14-315. Reserved.**

**Sec. 14-316. Permit required.**

- (a) No person shall remove a healthy protected tree in the front yard of a residential property without first obtaining a permit from the director of public works.
- (b) The fee for a permit to remove a protected tree shall be \$50.00. The tree shall be replaced with a tree or trees with a combined diameter of one inch for each six inches and fraction thereof of replaced tree diameter (measured at four feet off the ground). Replacement trees must be at least one inch in diameter measured at four feet off the ground. The director of public works may authorize that one or more of the replacement trees be planted in designated locations on public property. No replacement tree shall be required if the property has at least two other large protected trees in the front yard.

(Ord. No. 03-31, § 5, 9-15-03)

Secs. 14-317--14-330. Reserved.