

Sec. 90-63. Trees and landscaping.

- (a) *Purpose.* This section establishes the rules for preservation and enhancement of the natural beauty of the hardwood forest and prairie that led the founders of the city to pick this spot for a city. A major feature of the original town layout was large areas reserved for trees and green space, both as parkland and in commercial zones. Succeeding city leaders and developers have continued in this tradition by the setting aside of natural areas, the planting of trees and shrubs, and with other beautification efforts. Any landscape plan developed to meet the requirements of this section should strive to preserve and utilize the existing trees as much as possible. One (1) of the purposes of this section is to encourage and provide incentives for the preservation of existing large trees on developmental tracts. The vital role of trees and other plants in the earth's ecology is well known. This section does provide that an alternative plan can be approved by the planning commission where strict compliance with a subsection of the ordinance is not achieved.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context indicates a different meaning:
- (1) *Building site* means the tract, parcel or lot of land area being developed.
 - (2) *Diameter* means the measurement of a tree at one (1) foot above ground level.
 - (3) *Drip line* means the periphery of an area underneath a tree which would be encompassed by the perpendicular lines dropped from the outermost edges of the crown of the tree.
 - (4) *Ground cover plants* means no minimum size is required but the planting is to be done so as to develop full coverage within eighteen (18) months.
 - (5) *Landscape development* means trees, shrubs, ground cover vines or grass installed in planting areas, having a minimum of ten (10) square feet of actual plantable area and a minimum inside dimension on any side of eighteen (18) inches.
 - (6) *Permeable area* means an area that is not covered with asphalt or concrete, or other impervious material.
 - (7) *Private property* means any industrial, commercial, business, multifamily or town home site development.
 - (8) Deleted.

- (9) *Public property* means any land owned by the city, including street rights-of-way and yards around public buildings.
- (10) *Screening* means any method of visually shielding or obscuring one (1) land use from another, and shall meet minimum requirements that provide a year round visual obstruction.
- (11) *Shrubs* means self-supporting, woody, evergreen species as normally will grow in the county.
- (12) *Large tree* means a tree of a species which normally reaches a height of at least thirty (30) feet or more upon maturity.

Small tree means a tree of a species which normally reaches a height of not less than fifteen (15) feet upon maturity.

- (13) *Interior of the parking lot* means and will be considered to be all areas within the perimeter of the parking area, including areas bounded by the perimeter line when extended to their intersecting points, provided the area does not exceed an eighteen-foot by eighteen-foot square. Any area within the perimeter, which could be used as a parking space, may be considered for use as interior for the use of landscaping.

(c) *Landscaping requirements.* This section shall be a minimum standard and shall apply to all property zones except E-1, R-1, R-2 and R-3 residential.

- (1) *Minimum area.* No building permit shall be issued unless a minimum area, as shown in Table 1, of the building site not covered by a building or structure is devoted to landscape developed with landscaping which shall include greenery, shrubbery and trees.

TABLE INSET:

<i>Total Area of Site</i>	<i>Required Landscape Development</i>
Up to 20,000 sq. ft.	7.5% of area not covered by building or structure
20,000 to 200,000 sq. ft.	10% of area not covered by building or structure
Above 200,000 sq. ft.	12.5% of area not covered by building or structure

- (2) *Number of trees.* The required number of trees on the building site based on the area of the site not covered by a building or structure shall be as follows, unless alternative landscaping is approved under subsection (c)(8):
 - a. Less than 3,000 square feet . . . 0
 - b. 3,000--7,000 . . . 1

- c. 7,001--10,000 . . . 2
 - d. 10,001--20,000 . . . 3
 - e. 20,001--30,000 . . . 4
 - f. 30,001--40,000 . . . 6
 - g. 40,001 or greater, per 20,000 sq. ft., rounded to the next highest whole tree . . . 3
- (3) *Approved plants.* Trees, shrubbery and ground cover utilized shall be limited to those published on approved list as maintained on file by the city's building official and reviewed annually by the city's beautification commission and planning commission.
- (4) *Minimum diameter.*
- a. Large trees planted to meet the requirements set forth herein shall be a minimum of thirty (30) gallon size with a minimum diameter of two and one-half (2 1/2) inches as measured one (1) foot above the ground level.
 - b. Small trees planted to meet the requirements set forth herein shall be a minimum of fifteen (15) gallon size with a minimum diameter of two (2) inches as measured one (1) foot above the ground level.
- (5) *Tree preservation guidelines.*
- a. All reasonable efforts shall be made by owners and developers to preserve existing large trees. When a tree is to be preserved there shall be no bulldozing or disturbing of the permeable area beneath the drip line of the tree.
 - b. There shall be fencing around the drip line of the tree during construction.
 - c. *Tree preservation credit.* Landscape plans that preserve existing trees found on the approved plant list shall be given credit toward the total number of trees required as shown below:

TABLE INSET:

Diameter of Existing Tree (inches)	Credit Against Tree Requirement
5--9	2.0 trees
9 1/2--15	3.0 trees

15 1/2--30	6.0 trees
30 1/2 or greater	12.0 trees

If a credited tree dies, it must be replaced with a credit number of trees.

- (6) *Buffering and screening.* Screening shall conform to sections 110-168, 110-171 and 110-172 of this Code.
- (7) *Landscaping plan.* A landscape plan shall be submitted. For properties less than two (2) acres, the landscape plan shall be submitted to the building official. For properties two (2) acres or greater, a landscape plan shall be submitted in conjunction with preliminary plat for approval by the planning commission. The landscape plan required under this section must contain the following information:
- a. Location and type of all existing trees on the lot over six (6) inches in diameter and other natural features, and delineation of which trees or natural features are to be retained.
 - b. An indication of how existing healthy trees to be retained will be protected from damage during construction (including fencing around the drip line and assuring no disturbance in drip line area). Additional recommended guidelines for tree protection during construction or land development can be obtained from the city staff.
 - c. Location, height and material of proposed screening and fencing, with berms to be delineated by one-foot contours.
 - d. Location and dimension of proposed landscape development.
 - e. A description of trees, shrubs, ground cover plant, shown on the plan, names, location, quantities, size (diameter and/or container), heights, spread and spacing.
- (8) *Alternate landscaping:*
- a. The planning commission may approve an alternative plan which is not in strict compliance with the requirements of this section. The alternative plan must meet the objective and purposes of this section as determined by the planning commission and clearly be superior to a plan that would otherwise be in strict compliance. In making the determination, the planning commission may consider the existing trees to be preserved, the topography, shape, size or other natural features of the property, the suitability of any alternative screening or buffering proposal and other similar factors. The planning commission may award credit against the tree requirement of subsection (5) above for alternative plans that

preserve existing trees and natural settings or beauty. Easements and rights-of-way which have resulted in the alternative plan being proposed will also be considered by the planning commission.

- b. The city staff may approve an alternative plan which is not in strict compliance with the requirements of this section on developmental tracts of less than two (2) acres, provided that all of the rules under subsection (c)(8)a are complied with.
- (9) *Replacement of dead landscaping plants.* If any required landscaping tree, shrub or ground cover plant should die, the owner shall replace these plants in compliance with subsections (4) and (5) of this subsection by the end of the next planting season.
 - (10) *Replacement of existing landscape development.* Any major modification to the existing landscape development plan must be approved by the city's building official.
 - (11) *City property.* Requirements of this section shall apply to land owned or developed by the city.
- (d) *Parking lot requirements.*
- (1) *Interior landscaping of parking lots.*
 - a. Any parking lot to be constructed on a tract of property governed by this section that contains twenty (20) or more spaces shall be subject to this subsection.
 - b. Landscaping is not required for interior of the parking lots. For a reduction in parking, as required by section 110-162 of the Zoning Code, each percent over the first five (5) percent may be reduced by that same percentage up to a twenty (20) percent maximum reduction in parking spaces.
 - (2) *Tree requirements.* When landscaping is provided to decrease the parking spaces required under section 110-162 of the Zoning Code, one (1) small tree shall be required for every ten (10) parking spaces of each parking lot that contains twenty (20) or more spaces. Each island shall have a minimum of one hundred (100) square feet of landscaped development and shall have at least one (1) tree. The formula used to calculate the number of islands will be the total parking spaces divided by ten (10). Those islands may be grouped or separated. Some flexibility may be used provided the parking lot is broken by landscaped island and the intent of this section is met.

- (3) *Distribution.* The landscaped areas for parking lots shall be distributed throughout the parking lot. Adjustments to this requirement may be approved by the planning commission.
 - (4) *Inclusive of minimum requirements.* The landscaping area for the interior of parking lots provided for herein shall be inclusive of the minimum landscaped area requirement set forth in subsection (c) herein. The requirements set forth in this section are exclusive of other screening and landscape requirements for parking lot perimeters set forth in subsection (b) herein.
- (e) *Screening of parking lots.*
- (1) *Perimeter trees.* The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street other than a public alley shall include trees. The number of trees required under subsection (c)(2) shall be one (1) tree for every thirty-foot interval of parking lot frontage, starting at end points with a tree. Trees planted in accordance with this section shall not interfere with the existing utilities, roadways, sidewalks or street lights. Trees planted to meet the requirements of this subsection shall be a minimum of fifty (50) percent large trees. However, if power line easements or other easements or impediments make use of large trees impractical or unreasonable as to a particular tract, the planning commission may entertain alternate landscaping under subsection (c)(8) herein. Alternate plans, particularly those that focus on preservation of existing trees to meet the requirements of this section, can be approved in conformance with subsection (c)(8).
 - (2) *Perimeter screening.* The perimeter of each parking lot, excluding driveways, which fronts upon or is adjacent to a public street, other than a public alley, shall contain a visual screen of a minimum height of three (3) feet, measured from the surface of the parking lot perimeter. The screening must extend along the entire street frontage of the parking lot exclusive of driveways and access ways at points of ingress and egress to and from the parking lot and visibility triangles. Sites adjacent to a city parkway (twenty-five (25) feet in width or greater) may use a perimeter design which includes berms, shrubs and trees in a cluster format to where a solid line of landscaping is not required. This will allow flexibility in the design of perimeter planting to take advantage of city parkway. Also, at the discretion of the planning commission, sites adjacent to extra wide right-of-way where the pavement is over twenty-five (25) feet from the property line, may also take advantage of this depth and do as is described above. Alternate plans, particularly those that focus on preservation of existing trees, to meet the requirements of this section herein can be approved in conformance with subsection (c)(8).

- (3) *Screening materials.* The perimeter screening shall be constructed of at least one (1) of the following materials:
- a. Earthen berm which has a slope not to exceed one (1) foot in height for each three (3) feet in width to be used in conjunction with shrubs, trees and other landscaping materials.
 - b. Evergreen shrubbery and trees.
 - c. A solid stone or masonry fence used in conjunction with shrubs, trees and other landscaping materials.

(f) *Easements.*

- (1) Trees and shrubs shall not be placed on city easements, utility easements or city parkways without the approval of the city. Other plantings may be planted with the permission of the city, subject to the city's right to remove the plantings if entrance to the easement is needed.
- (2) City-owned easements do not count as area to be landscaped by the tract owner or developer, nor do they count as credit toward landscaping requirements for the remainder of the tract unless there is alternative landscaping under subsection (c)(8) herein.
- (3) Easements on land owned by landowners may be counted toward the landscaping percentage requirements.

(g) *Maintenance.* All landscaping required herein shall be maintained in a healthy, growing condition at all times. The property owner shall on a regular basis mow the grass, irrigate, fertilize, prune and otherwise maintain all landscaped areas. The property owner shall also keep all landscaped areas free of refuse and debris at all times.

(h) *Compliance with landscape plan.* The property owner shall implement and maintain the landscaped areas as described herein in accordance with the landscape plan approved by the planning commission; and after implementation of the plan, the property owner shall not deviate from the plan unless the owner receives approval from the planning commission.

(i) *Noncompliance of landscape plan.* If the city's building official determines that the property owner is not in compliance with the landscape plan approved by the planning commission, said official shall give written notice of such noncompliance to the property owner at the address of the property. Such notice shall contain a description of the noncompliance and require compliance within thirty (30) days of the date of receipt of the notice by the property owner. If the noncompliance is a result of trees, shrubs or ground cover dying, the owner shall comply with the

landscape plan by planting new trees, shrubs or ground cover by the end of the next planting season following the date of receipt of the notice; or if the notice is received during a planting season, the owner must comply by the end of that planting season.

- (j) *Irrigation.* The property owner shall be required to irrigate the landscaped areas by one (1) of the following methods:
 - (1) A fully automatic or manual underground irrigation system.
 - (2) Hose attachment within fifty (50) feet of all landscaped area.
 - (3) Installation of quick coupler system with a valve one hundred (100) feet on center.
- (k) The plans that have been approved by the planning commission (or in cases of less than two (2) acres, by city staff), prior to May 15, 2000, shall be subject to the provisions of the Code in effect on May 14, 2000.

(Ord. No. 81-824, § 1, 11-2-81; Ord. No. 86-1004, § 1, 5-19-86; Ord. No. 92-1202, § 1, 6-15-92; Ord. No. 00-1627, § 1, 5-9-2000; Ord. No. 01-1656, § 1, 4-2-2001; Code 1958, § 19-9.2; Ord. No. 03-1735, § 1, 10-6-2003)