

## SECTION 17A LANDSCAPING

(17A-100)*Purpose.* This section is designed to provide standards for the installation and maintenance of landscaping, so as to promote the general welfare of the community. This is accomplished by encouraging the creation of an attractive appearance along public streets and by screening from view those uses that may be unattractive to the public eye. Landscaping materials, including ground covers, shrubs and trees further facilitate the control of erosion and the reduction of glare and dust, as well as, the visual softening of building masses. It is the intent of this section to preserve and improve the natural and urban environment by recognizing that the use of landscaping elements can contribute to the processes of air purification, oxygen regeneration, groundwater recharge, abatement of noise, glare and heat, provisions of habitats for wildlife and enhancement of property values.

(17A-200)*Definitions.*

*Buffer:* An area on the perimeter of a building site or lot, which contains landscaping (other than just grass or flat terrain), along with berms, walls, or decorative fences that at least partially and periodically obstructs the view of vehicular use areas, parking areas and retention ponds from the street.

*Caliper:* The diameter of the trunk of a tree measured twelve (12) inches above ground level. If a tree is of a multi-trunk variety, the caliper of the tree is the sum of the largest trunk plus one-half ( 1/2) the caliper of the remaining trunks.

*Improved property:* Any property which contains a nonresidential building in which business is being conducted.

*Landscape plan:* To be submitted with the site plan in conjunction with improvements to nonresidential zoned property, including all multi-family districts for approval by the building official, planning and zoning commission and city council as applicable.

*Landscaped area:* Any area which is permeable and capable of supporting living organic ornamental or native plant material or waterscape. The landscape area must support trees, turf, ground covers, seasonal color and/or shrubs.

*Owner:* Any person with a freehold interest in land, agent, employee or other person acting on behalf of the owner or with the owner's authorization.

*Parkway:* The area lying between the street right-of-way line of any public street, which is not an alley, and the curb line of the street, or if there is no curb line, the shoulder of the street, or if there is no shoulder or curb, the travelled edge of the pavement of such street.

*Permeable pavement:* A paving material that permits water penetration to a soil depth of eighteen (18) inches or more. Permeable pavement may consist of nonporous surface materials poured or laid in sections not exceeding one square foot.

*Plant list:* The recommended plant list for the city.

*Prohibited tree:* A tree which is of a species or type listed on the city's prohibited tree list.

*Protected tree:* Any existing living tree that is not on the prohibited tree list, whose trunk is ten-inch caliper or greater, measured twelve (12) inches above natural grade, and at least twelve (12) feet high; or a multi-trunk having a total caliper of eight (8) inches, measured by combining the caliper width of the largest stem or branch with one-half ( 1/2) the caliper width of each individual stem or branch, all measured twelve (12) inches above natural grade.

*Removal:* As applied to protected trees, shall mean the uprooting or severing of the main trunk of the tree, or any other act which causes or may reasonably be expected to cause the tree to die, including but not limited to damage inflicted upon the root system by machinery, storage of material, or soil compaction; substantially changing the natural grade above the root system or around the trunk; excessive pruning; or paving with concrete, asphalt, or other impervious materials in a manner which may reasonably be expected to kill the tree.

*Street yard:* The area of the lot which lies between the right-of-way line and the front wall of the principal building located on the lot, including the area delineated by extending an imaginary line from the outer corners of the building and parallel to the right-of-way line until such imaginary extensions of such building wall line intersects the side property lines. A front building wall is a building wall fronting on a street.

*On corner lots:* The area of such lot between all abutting street right-of-way lines and their corresponding actual front building wall lines, as such lines are imaginarily extended in the manner described above.

*Multiple buildings on a lot:* The area of the lot between the street right-of-way line(s) and an imaginary line beginning at one side of the property line, running parallel to the street, connecting to the front most corner of the building wall fronting the street and nearest property line, then following and connecting the front most walls of all the buildings fronting on the street, and then extending to the other side of the property line, running parallel to the street. Isolated buildings (e.g. photo processing kiosks or drop-offs, bank drive through, etc.) shall not be considered in delineating the street yard.

*Property used only for parking purposes or only as a commercial or private parking lot:* The area between the street right-of-way line and the back property line.

(17A-300) *Minimum landscape requirements.*

*A. Landscaped area.*

1. At least twenty (20) per cent of all street yards shall be landscaped using the recommended plant list of the city. (17A-1100)
2. For phased development projects, each phase of the development shall meet all landscape requirements as if it were being developed alone. In the case of split ownership, the requirements of this ordinance apply to the overall project.
3. All required landscaping and landscaped areas shall be protected from vehicular encroachment through the use of concrete curbs, wheel stops, or other permanent barriers.
4. Landowners are encouraged to landscape the areas within the parkway abutting their land (see subsection (17A-300)C.) provided however:
  - a. If landscaping placed in the parkway is removed or destroyed during the course of general maintenance or repair of municipal infrastructure or the installation of capital improvements, the city has no responsibility to replace or repair such landscaping. The city will, however, make every reasonable effort to preserve and protect existing landscaping and will to the best of its ability restore disturbed landscaping to its preconstruction condition.
  - b. Any underground sprinkler systems, planters or other permanent structures placed in the parkway shall require a license agreement with the city. When any other governmental jurisdiction is trustee of the public parkway at the particular location in question, arrangements must be made with such other jurisdictions.
  - c. No landscaping shall be placed in an area of parkway where a capital improvement project has been funded for such location until the project has been completed.
  - d. The owner of the lot shall be responsible for maintaining the landscaped area located within the parkway.

*B. Trees, residential and nonresidential.* Within the street yard, a minimum number of trees are required to be planted or preserved according to the following ratios. These trees shall be at least twelve (12) feet in height and two (2) inches in caliper at the time of planting, and are the total minimum number of trees required by this section; other parts of this section only refer to the placement of these trees, and are not additional requirements. At least fifty (50) per cent of the area within the drip line of any tree shall be permeable.

All trees shall be planted in an area that is at least five (5) feet wide.

1. *Residential.* Single family attached/detached, townhome or duplex:

- a. Exempt.

2. *Nonresidential.*

- a. Street yards of less than ten thousand (10,000) square feet: One tree per one thousand (1,000) square feet or fraction thereof.

b. Street yards between ten thousand (10,000) to one hundred ten thousand (110,000) square feet: Ten (10) trees plus one tree per twenty-five hundred (2,500) square feet, or street yard over ten thousand (10,000) square feet shall be required.

c. Street yards greater than one hundred ten thousand (110,000) square feet: Fifty (50) trees plus one tree per five thousand (5,000) square feet, of street yard over one hundred ten thousand (110,000) square feet shall be required.

*C. Buffering.* A buffer at least twenty (20) feet wide on average is required along the street frontage. This buffer can extend into the street parkway. This landscaped area may be used to satisfy the requirements of subsection (17A-300)A.1 and shall include the following:

1. One two-inch caliper street tree, twelve (12) feet in height, for every forty (40) linear feet of frontage in the landscape buffer strip. These may be either uniformly spaced or may be clustered depending on the overall landscape design;
2. Evergreen shrubs, planted at a rate of three (3) shrubs for every ten (10) linear feet of landscape buffer. Evergreen shrubs shall be a minimum twenty-four (24) inches high at the time of planting; or
3. A combination of evergreen shrubs and berming to achieve a minimum screening height of twenty-four (24) inches. Berms shall achieve an average height of twenty-four (24) inches above natural grade, with a maximum slope of 3:1. It is the intent of this regulation that these screening devices be intermixed, whereas, the berm may be discontinuous and /or in a serpentine design with evergreen shrubs interspersed.

*D. Parking lots.*

1. Ninety (90) square feet of landscaping is required for each twelve (12) parking spaces within a parking lot located in the street yard. This landscaped area may be used to satisfy subsection (17A-300)A.1.; however, if the twenty (20) per cent requirement for landscaping is otherwise met, this requirement shall be in addition to it.
2. Sixty (60) square feet of landscaping is required for each twelve (12) parking spaces in all non-street yard parking lots. This is in addition to the landscape requirements in the street yard.
3. The landscaped areas required in the preceding two (2) paragraphs shall occur within the parking lot boundaries as landscaped medians, islands, or peninsulas, and shall be no less than five (5) feet in width.
4. No complete parking space shall be located further than seventy-five (75) feet from a tree or a permeable landscaped island, peninsula or median.

*E. Irrigation.*

1. All landscaped areas shall be irrigated utilizing one or a combination of the following methods. Regardless of the irrigation method selected, all systems must be freeze protected and a double-check backflow device shall be installed and tested in accordance with the Unified Plumbing Code (UPC).
  - a. An automatic underground system (conventional spray, bubbler, etc.);
  - b. An automatic water-saving system (drip, porous pipe, leaky pipe, etc.); or
  - c. A bibcock, faucet or other water source within seventy-five (75) feet of any landscaped area.
2. The irrigation system shall be in place and operational at the time of the landscape inspection for certificate of occupancy and be maintained and kept operational at all times.
3. Landscape areas utilizing xeriscape plants and installation techniques, including areas planted with native grasses and wildflowers, may use an above ground system and shall be required to provide irrigation for the first two (2) growing seasons only.
4. Landscape plans shall include an irrigation drawing which shall indicate the nature and location of irrigation which will be used.

5. No irrigation shall be required for undisturbed natural areas or undisturbed existing trees.

(17A-400) *Corner visibility.*

A. No landscaping materials, trees, shrubs, or other landscaping features shall be placed within the following triangular areas which obstructs the view of motorists in excess of two feet (2') in height at curb returns, or between the street and the access drives and parking aisles near the street yard entries and exits, except trees with lower limbs pruned to a minimum height of eight feet (8') above grade:

1. At the intersection of two (2) arterial streets or an arterial and collector street, the triangular area formed by the street right-of-way lines and a line connecting them at points a minimum of thirty feet (30') from the intersection of the right-of-way line.
2. At all other street intersections, the triangular area formed by the street right-of-way line and a line connecting them at points twenty-five feet (25') from the intersection of the right-of-way lines.
3. At all intersections of streets and alleys, the triangular area formed by the street right-of-way line and the alley right-of-way line and a line connecting them at points fifteen feet (15') from the intersection of the right-of-way line.
4. At all intersections of streets and driveways, a ten-foot by thirty-foot triangular area formed by the driveway pavement edge and the street right-of-way.

(17A-500) *Credit towards landscaping requirements.*

A. A landscape plan which is alternative to strict compliance with the various landscape requirements in this section may be approved according to the specifications of this subsection. Alternative proposals shall be clearly identified on the landscape plans and the site plan shall include a letter outlining the alternative proposal. Credit shall be applied as follows:

1. Each newly planted or existing tree of at least three (3) inches in trunk caliper, measured twelve (12) inches above grade, which is maintained in a living and growing condition shall count as two hundred (200) square feet of landscape area for satisfying the requirement of subsection (17A-300)A.1. above.
2. Each newly planted or existing tree of at least six (6) inches in trunk caliper, measured twelve (12) inches above grade, which is maintained in a living and growing condition shall count as four hundred (400) square feet of landscape area for satisfying the requirement of subsection (17A-300)A.1. above.

(17A-600) *Maintenance requirements.*

A. The property owner shall maintain all trees, landscaped areas, and plant materials in a vigorous and healthy condition, free from disease, pests, weeds, and litter. This maintenance shall include but is not limited to: weeding, watering, fertilizing, pruning, mowing, edging, mulching and other needed maintenance, in accordance with generally accepted horticultural practices. No landscape material shall be allowed to exceed three (3) feet in height above curb level, and all overhanging foliage shall be kept trimmed more than nine (9) feet above curb level. In addition, all landscape structures (walls, fences, etc.) shall be kept in a structurally sound and aesthetic condition.

B. If the property owner fails to perform the maintenance required by this section, the city may issue a written notice to the owner requiring the owner to perform the required maintenance or to replace any trees or plant materials or other items originally approved on the property's landscape plan.

C. The owner shall have seven (7) days from the date of the notice to comply, unless replacement of plant materials or trees is required, in which case thirty (30) days are allowed. The city may grant an extension of time where seasonal or adverse weather conditions make maintenance or replacement impractical.

D. Replacement plants must be at least the same size and species as shown on the approved landscape plan or must be equivalent in terms of quality and size. Such replacement will not be considered an amendment to the approved plan.

E. Landscaping and structures placed in right-of-ways or easements must be maintained by the owner even if damage is caused by utility companies or governmental entities.

(17A-700)*Certificate of occupancy.*

A. All landscaping shall be completed, installed and maintained in accordance with the approved landscape plan before a certificate of occupancy may be issued for any building on a lot. The building official or his designee may grant a temporary certificate of occupancy during the winter months when installation is impracticable or not feasible, provided the following conditions are met:

1. The required landscaping shall be installed within six (6) months following the issuance of the first temporary certificate of occupancy.

(17A-800)*Nonconforming properties.*

A. All improved properties existing on the effective date of this section which are not in compliance with the requirements for the installation and maintenance of landscape elements set forth in this section, shall be considered nonconforming and shall be allowed to continue until such time as:

1. The total floor area of the nonconforming structure is expanded or enlarged in excess of ten (10) percent, as such floor area has been established at the time of application for a building permit.
2. A specific use permit for a use on the property is approved by the city council. In such instances all provisions of this section shall apply to the entire lot or tract upon which such specific use permit applies.

*Note:* Compliance with this subsection shall not result in a violation of this or any other ordinance, such as the loss of required parking spaces. Therefore, the amount of landscaping that shall be required will only be to the point where such violation would occur and shall be installed prior to the issuance of a certificate of occupancy for the existing or proposed use.

(17A-900)*Landscape plan required.*

A. A landscape plan demonstrating compliance with the provisions of this section shall be submitted to the building official for approval, or if the building or site requires zoning or specific use permit approval the landscape plan shall be reviewed for approval by the planning and zoning commission and city council, as applicable.

B. The plan shall be prepared by a landscape designer or architect and submitted in a manner as prescribed by the city. The plan shall clearly delineate and identify any existing and proposed landscape development to be used to satisfy the requirements of, and shall include the calculations performed relative to comply with this section.

(17A-1000)*Enforcement and penalties.*

A. Any person, firm or corporation who shall violate any of the provisions of this section or who shall fail to comply with any provision hereof within the corporate limits of the city, shall be deemed guilty of a misdemeanor and, upon conviction in the municipal court of the city shall be subject to a fine not to exceed the sum of two thousand dollars (\$2,000.00) for each offense, and each and every day that the premises shall remain in a condition of violation of the terms of this article shall constitute a continued and separate offense, subject to application of the full penalty contained herein.

(17A-1100)*Recommended plant list.*

*Large Trees:*

- American elm
- Aristocrat pear
- Austrian pine
- Bald cypress
- Bradford pear
- Bur oak
- Chinese pistache
- Eastern red cedar

Japanese black pine

Live oak

Red oak

Southern magnolia

Sweetgum

Texas ash

*Small Trees:*

Cherry laurel

Crape myrtle

Mexican plum

Nellie R. Stevens holly

Possum haw

Purple plum

Red bud

Washington hawthorne

Wax myrtle

Yaupon holly

*Evergreen Shrubs:*

Abelia

Burford holly

Dwf. Yaupon Holly

Elaeagnus

Nellie R. Stevens holly

Red tip photinia

*Ground Cover:*

Asian jasmine

Boston ivy

English ivy

Honeysuckle

Liriope

Monkey grass

Vinca

Virginia creeper

*Prohibited Tree List:*

Arizona ash

Cottonwood

Green ash

Hackberry

Mulberry

Silver Maple

Sycamore

Willow

(Ord. No. 97-982, § 2, 6-16-1997; Ord. No. 03-1494, § 1, 11-3-2003)