

ORDINANCE NO. 135-136

AN ORDINANCE TO AMEND THE ZONING ORDINANCE PROVIDING FOR ARTICLE XVIII, SECTION 9, SUPPLEMENTAL REGULATIONS LANDSCAPING AND BUFFERS

ARTICLE XVIII

SECTION 9

SUPPLEMENTAL REGULATIONS

LANDSCAPING AND BUFFERS

Section 9 Landscaping and Buffers

The intent of this Section is to require landscaping and a minimum number of trees in residential areas, to establish standards for buffers required between incompatible land uses and to provide for landscaping surrounding and within vehicular areas in commercial zoning.

9.01 Landscaping for Residential Dwellings

A landscaping plan shall be required as part of every zoning application, variance application and building permit application for new construction.

The following standards shall apply to the construction of residential dwellings:

- A. Prior to issue of a certificate of occupancy for residentially zoned property, on a lot that is one hundred (100) or less feet in width, the owner shall landscape and plant at least one shade tree in the front or side yards and at least two shade trees in the rear yard.
- B. Prior to issue of a certificate of occupancy for residentially zoned property, on a lot that is more than one hundred (100) feet in width, the owner shall landscape and plant at least three shade trees in the front or side yards and at least two shade trees in the rear yard.
- C. Only shade trees listed in Section 9.07 may be planted to comply with the requirements of this Section.
- D. Existing trees which are at least six (6) inches in diameter may be used toward meeting the requirements of Section 9.07, if the area within the dripline of the trees has been left in its natural condition and no filling, grading, excavation or parking of vehicles or equipment or other activity which could damage or kill the tree, has occurred within the dripline of said existing trees.
- E. To prevent sedimentation runoff, yards shall be sod laid on topsoil.

9.02 Buffers

- A. Applicability. A Landscape Plan shall be required as part of every zoning application, variance application and building permit application for new construction that is required by this Ordinance to have a buffer.
- B. Standards. In order to decrease incompatibility between neighboring land uses, the following standards shall apply to all buffers required by the Zoning Ordinance whether the buffer is comprised of planted, natural or a combination of planted and natural vegetation.
 1. Prior to occupancy of the building or premises, the buffer shall provide a visually impervious barrier, uniformly dense at all heights from the ground, and a minimum of five (5) feet above

grade throughout the entire length of the buffer. Within one year after installation the buffer shall be at least six (6) feet above grade throughout the entire length of the buffer. The buffer shall be comprised of vegetation which meets or exceeds these minimum standards throughout the calendar year.

2. In the case of planted buffers, the entire surface area of the buffer shall be planted as prescribed in this Section. Only evergreen plant materials may be planted within a required buffer.
3. Public utilities and storm drainage facilities may be constructed in required buffer, provided the buffer is installed in compliance with the approved Landscaping Plan. The City may require supplemental evergreen plantings in order to mitigate the effect of land disturbance in the buffer.

All detention and retention areas shall be sod laid on topsoil to prevent sedimentation runoff.

4. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials and irrigation systems required by this Section. All plant material shall be maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
5. All planted buffers shall be irrigated by an automatic irrigation system.

9.03 Landscaping for Vehicular Areas in Commercial Zoning

Applicability. These regulations apply to all areas which are located within all commercial zoning, and used for drives; off-street parking and/or loading; vehicular storage, display, maneuvering and washing; and the dispensing of motor fuels; (hereinafter referred to as vehicular areas).

A Landscaping Plan shall be required as part of every zoning application, variance application and building permit application for new construction which includes vehicular areas as herein described. This Section shall apply to new vehicular areas for all uses, except residentially zoned property. If the size of an existing vehicular area is increased by ten (10) percent or more, the new vehicular area and the existing vehicular area shall comply with the requirements of this Section; except that landscaping in the existing vehicular area shall be exempt from the irrigation requirement.

9.04 Interior Vehicular Area Landscaping Requirements

- A. Each vehicular area shall have interior landscaping covering not less than five (5) percent of the total vehicular area. Such landscaping shall be in addition to all planting within six (6) feet of a building.
- B. The primary landscaping materials used in vehicular areas shall be shade trees which comply with the standards of Section 9.07. Shrubs and other planting materials may be used to compliment the shade tree planting, but shall not be the sole component of the landscaping.
- C. The interior dimensions of any planting area shall be sufficient to protect all landscaping materials planted therein.
- D. All required landscaping shall be irrigated by an automatic irrigation system.

9.05 **Perimeter Landscaping Requirements Adjacent to Public Rights-of-Way**

- A. Only shade trees listed in Section 9.07 may be used to comply with the requirements of this subsection.
- B. A landscaped strip at least five (5) feet wide, which shall not include a sidewalk or trail, shall be located between the vehicular area and the public right-of-way, except where driveways cross the property line.
- C. The entire five (5) foot wide strip shall be planted with a double staggered row of shrubs. The shrubs shall be evergreen and a minimum of thirty (30) inches high at installation.
- D. At least one shade tree for every thirty (30) linear feet of required landscape strip, or portion thereof, shall be planted in the landscaped strip.
- E. Landscaping shall not be planted in a manner or location which causes a hazard to vehicles entering or within the public right-of-way.
- F. All required landscaping shall be irrigated by an automatic irrigation system.

9.06 **Maintenance and Irrigation**

- A. The owner shall be responsible for the maintenance, repair and replacement of all landscaping materials required by Section 9 of this Article. All plant material shall be tended and maintained in a healthy growing condition, replaced when dead and kept free of weeds, refuse and debris.
- B. All landscaping required in Section 9 of this Article shall be irrigated by an automatic irrigation system.

9.07 **Shade Tree List**

Only the following shade trees may be planted in order to comply with the requirements of Section 9 of this Article. All such trees shall be at least two and one half (2 and ½) inches in diameter, measured five feet above the root ball of the tree.

| | |
|----------------|--------------|
| American Holly | Oak |
| Chinese Elm | Crape Myrtle |
| Ginkgo | Zelcova |
| Bradford Pear | Magnolia |
| Red Bud | Willow |
| Birch | Cherry |
| Dogwood | Maple |
| Poplar | |

9.08 **Landscaping Plan**

A-Landscaping Plan shall be required as part of every zoning application, variance application and building permit application for new construction that requires a buffer and/or landscaping in vehicular areas. The Landscape Plan shall be drawn to a scale no larger than one inch equals 50 feet and shall contain the following information:

- A. The location and dimension of all areas proposed for landscaping and planting, including a description of the proposed plant materials.
- B. All dimensions and distances, property lines, easements, rights-of-way and buffers.

- C. Existing and proposed buildings and structures, including signs, trash and garbage containers, utility and drainage structures.
- D. Existing and proposed buildings and structures on the subject property and adjacent property affected by a required buffer. When the finished floor elevation of buildings on the subject property differs by ten (10) feet or more from the finished floor elevation of the buildings on the adjacent property affected by the buffer, the plan shall include a cross section which accurately shows the comparative elevations of the buildings in relationship to the buffer.
- E. Bodies of water including water detention and retention areas.
- F. Driveways, vehicular areas, existing and proposed parking spaces, access aisles and other vehicular areas.
- G. Sufficient information and detail to demonstrate compliance with the requirements of this Section.

9.09 Modification or Waiver

The screening and planting requirements of this Section shall be applied equally to similarly classified and situated properties but may be modified or waived altogether in certain cases where a building site is subject to any of the following circumstances as determined by the Planning Commission and/or the Building Official.

- A. Where natural vegetation (trees and/or shrubs) exist on a piece of property, when application is made for a building permit, a strip of natural vegetation shall be left undisturbed until the Building Official has inspected such area. The Official will evaluate with regard to the width requirements set forth in the Zoning Ordinance for that specific use and zone, as well as suitability. The Building Official may require that the developer retain a portion of the natural vegetation as a greenbelt/buffer, where such already exists, rather than require a man-made planting strip or other methods of screening; however, such greenbelt/buffer must be sufficient in both height and/or density to achieve the desired purpose as a natural barrier.
- B. Where future development of adjacent property would make these standards unreasonable or impractical.
- C. Where, after inspection by the Building Official, it is found that two (2) different and incompatible zone districts abut each other but are already separated by a street or alley or where the view from the adjoining district is blocked by a change in grade or other natural or man-made features.

THEREUPON Jim Phillips, a member moved and Rosie Metcalf, a member seconded the move that said Ordinance be given vote. Said Ordinance passed by vote of all members of the Council present and the Mayor declared the same passed.

ADOPTED this the 21 day of Jan 2002.

Bobby Hayes
Mayor

Rosemary Metcalf
Council Member

Jim Phillips
Council Member

Willard C. Boyer
Council Member

Karyl D. Rice
Council Member

Walter J. Sul
Council Member

Seal

ATTEST

Gary A. Baker
City Clerk