

Chapter 20

TREES AND LANDSCAPING*

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*Cross references--Buildings, construction and related activities, Ch. 5; historic preservation, Ch. 9; subdivisions, Ch. 17.

Section 20-70A ARTICLE IV. LANDSCAPE PLANTING AREAS

Section 20-71 Short title.

This article shall be known as the landscape planting areas article.
(Code 1958, § 13A-1)

Section 20-72 Definitions.

The following words, term 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:

Architectural planter means a container within which plantings may be placed to meet the requirements of this article.

Committee means the Tree and Landscaping Committee

Caliper means the diameter or thickness of the main stem of a young tree of sapling as measured at six (6) inches above ground level. This measurement is used for nursery-grown trees.

Crown means the main point of branching or foliage of a tree or plant, or the upper portion of a tree or plant.

Crown spread means the distance measured across the greatest diameter of a plant.

Developed area means the portion of a plot or parcel of land, excluding public rights-of-way, upon which a building, structure, pavement, landscape material, or other improvements have been placed.

Development means all new improvements to an undeveloped property, including structures and parking areas; the division of a parcel of land into two or more parcels; any excavation, landfill, or land disturbance; and any new use of the land or extension of use of the land.

Drip-line means the outer perimeter of the crown of a plant.

Encroachment means the protrusion of a vehicle outside of a parking space, display area, storage area, accessway, or access aisle into a landscaped area.

Ground cover means natural mulch or low growing plants other than deciduous varieties installed to form a continuous cover over the ground.

Interior area means the entire parcel to be developed exclusive of the front, rear and side perimeter landscape areas.

Landscape means the placement of landscape material in the planting area in accordance with the requirements of this chapter.

Landscape material means living material including, but not limited to, trees, shrubs, vines, lawn grass, ground cover, landscape water features, and nonliving durable material commonly used in landscaping, including but not limited to rocks, pebbles, sand, prairie film, brick pavers, earthen mounds, but excluding impervious surfaces for vehicular use. Fifty (50) percent of area of such material shall be living.

New construction means any development for which an application for a building permit must be made prior to the initiation of any improvements. Also, in the case of vehicular use paving, any preparation or pavement (asphalt or concrete) of a site intended for any type of vehicular use begun after October 22, 1984.

Planting area means any area designed for landscape material installation, which area shall have a minimum of one hundred (100) square feet, a minimum depth of five (5) feet, and shall consist of suitable growing medium with proper drainage.

Redevelopment means the demolition or removal of the principal structure of more than fifty percent (50%) of the impervious surface of a site; any repair, reconstruction, rehabilitation, addition or improvement of a building or structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered redevelopment regardless of the actual repair work performed. The term does not, however include either:

(a) any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the Chief Building Official and that are the minimum necessary to assure safe living conditions.

(b) any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure

Shade tree means any self-supporting woody plant of a species that is well shaped, well branched and well foliated which normally grows to an overall height of at least thirty-five (35) feet and normally develops an average mature spread of crown greater than thirty (30) feet in the City. A listing of suggested shade trees shall be maintained by the Chief Building Official and Zoning Administrator of the City.

Shrub means a woody perennial plant differing from a perennial herb by its persistent and woody stems and from a tree by its low stature and habit of branching from the base.

Sight triangle means the areas of property on both sides of an accessway formed by the intersection of each side of the accessway and public right-of-way with the two (2) sides of each triangle being not less than ten (10) feet in length from the point of intersection and the third side being a straight line connecting the end of the two (2) other sides.

Tree means any self-supporting, woody plant of a species which normally grows to an overall height of at least twenty (20) feet and normally develops an average mature spread of crown greater than twenty (20) feet in the City. A listing of suggested trees shall be maintained by the Chief Building Official and Zoning Administrator of the City.

Vehicular use area means any ground surface area, excepting public rights-of-way, used by any type of vehicle whether moving or at rest for the purpose of, including but not limited to, driving, parking, loading, unloading, storage, or display, such as, but not limited to, new and used car lots; activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery and dairy stores; and other vehicular uses under, on, or within buildings.

Vine means any of a group of woody or herbaceous plants which may climb by twining, or which normally require support to reach mature form. A suggested list will be maintained by the

Chief Building Official and Zoning Administrator.

Visual screen means a barrier of living or nonliving landscape material put in place for the purpose of separating and obscuring from view those areas so screened.
(Code 1958, § 13A-2; Ord. of 11-28-94, § I)

Cross reference--Definitions and rules of construction generally, § 1-2.
(2005 (Sec.20-72), Amended, 06/29/2005)

Section 20-73 Scope of requirements and standards.

The requirements and standards for installation and maintenance shall apply to landscape planting areas in off-street parking facilities and other vehicular use areas. Such requirements and standards shall apply to all new development and all redevelopment in the city, except single- and two-family dwelling units and agricultural uses.
(Code 1958, § 13A-3)

Section 20-74 Compliance with standards required.

To ensure the attainment of the objectives of this article, the designing and installation of required landscaping shall be consistent with the standards set forth in this article, unless it can be demonstrated that alternative designing and installation plans will meet the objectives of this article. The landscape development standards contained in this article shall apply whenever a landscape permit and plan are required.
(Code 1958, § 13A-4)

Section 20-75 Requirements for off-street parking and other vehicle use areas.

Off-street parking facilities and other vehicle use areas, excepting permitted accessways, shall meet the following requirements:

(1) *Perimeter requirements:*

- a. Front perimeter landscape areas. A ten-foot wide strip of land located between the front property line and the vehicular use area shall be landscaped. Width of sidewalks shall not be included within the ten-foot wide front setback perimeter landscape area. This shall also apply to any other property line which abuts a street right-of-way.
- b. Side and rear perimeter landscape areas. A six-foot wide strip of land located between the side and rear property lines and the vehicular use area shall be landscaped, except that where the strip of land to be landscaped is between a side or rear property line and a vehicular use area used as an accessway, a four-foot wide strip of land shall be landscaped.

(2) *Material requirements in perimeter area:*

- a. Tree count. The total tree requirement within the perimeter landscape areas shall be determined by using a ratio of one (1) tree for each twenty-five (25) linear feet of required landscape perimeter area, or major portion thereof, with no less than seventy-five (75) percent of said trees being shade trees. All trees shall be provided at least one hundred (100) square feet of planting area each. This provision is not intended to require trees to be equally spaced twenty-five (25) feet apart. Creative design and spacing is encouraged.
- b. Ground cover. Grass or other ground cover shall be placed on all areas within the front, side and rear setback perimeter landscape areas not occupied by other landscape material, or permitted accessways. A listing of plant material shall be maintained by the chief building official and zoning administrator.

- (3) *Visual screen in perimeter area:*
 - a. Perimeter setback landscape areas. A visual screen shall be placed within the perimeter setback landscape areas and shall run the entire length of the vehicle use area, except at permitted accessways.
 - b. Light penetration and height. A visual screen shall be installed not lower than thirty (30) inches, except at permitted accessways.
- (4) *Use of perimeter landscape areas.* Overhanging areas: Vehicles may overhang no more than two (2) feet into perimeter landscape areas.
- (5) *Cross-visibility standards for setback areas.* A sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be provided at those points where an accessway intersects a public right-of-way. The area within the sight triangle shall be maintained in accordance with this section.
 - a. Cross-visibility level. An unobstructed cross-visibility between two (2) and ten (10) feet above the level of the centerline of the public right-of-way shall be maintained within the sight triangle.
 - b. Trees. Trees having limbs and foliage trimmed so that the cross-visibility is not obscured shall be allowed to overhang within the sight triangle, provided the location of the tree itself does not create a traffic hazard.
- (6) *Interior planting areas:*
 - a. Size. In vehicular use areas within the interior of a site, a planting area shall be required which will be equal to twelve (12) percent of the paved area and at least three (3) two-inch, or two (2) three-inch, caliper shade trees together with other landscape material shall be planted within each such planting area. Interior planting areas shall be located to most effectively relieve the monotony of large expanses of paving and contribute to orderly circulation of vehicular and pedestrian traffic, and shall be no less than twelve (12) feet in width, exclusive of curbing. Whenever linear medians at fifty (50) feet long having shade trees spaced no greater than fifteen (15) feet on center are used, the minimum width may be reduced to eight (8) feet exclusive of curbing. All developments having paved areas of five thousand (5,000) square feet or less shall be exempt from the interior planting requirements.
 - b. Overhang. Vehicles shall not overhang more than two (2) feet into any interior planting area.
 - c. Interior landscaping functional waiver. In vehicular use areas, when the city has determined that the strict application of this section will interfere with the function of the vehicle use area, the required interior landscaping may be located near the perimeter of the paved area, including such perimeters which may be adjacent to a building on a site.
- (7) *Plant material standards:*
 - a. Trees shall be subject to the following:
 - 1. Height. Trees shall have a minimum height of eight (8) feet and a minimum caliper of two (2) inches at the time of planting.
 - 2. Crown spread. Species of trees which will meet the twenty-foot mature height requirement but will have an average mature crown of less than twenty (20) feet may be substituted by grouping such trees so as to create the equivalent of a crown spread of twenty (20) feet.
 - 3. Planting area. The planting area for each tree shall be a minimum of one hundred (100) square feet around the trunk of the tree and shall be maintained in either vegetative landscape material or pervious surface cover.
 - b. Shrubs and hedges shall be subject to the following:
 - 1. Minimum height. There shall be a minimum height of eighteen (18) inches and

- have a spread of fifteen (15) inches at the time of planting.
- 2. Prohibited species. No species of deciduous shrub shall be credited on the visual screening requirements of this section.
- 3. Placement. The placement of shrubs used to fulfill the visual screening requirements shall not exceed five (5) feet on center.
- c. Vines, ground cover, lawn grasses, synthetic plant material and architectural planters shall be subject to the following:
 - 1. Vines. Vines shall be thirty (30) inches in length within one (1) calendar year from the time of planting.
 - 2. Ground covers other than lawn grasses. Ground covers other than lawn grasses shall be planted so as to provide seventy-five (75) percent coverage within one (1) calendar year from the time of planting.
 - 3. Lawn grasses. Lawn grasses shall be subject to the following:
 - A. Lawn grasses planted for credit on the landscaping requirements shall be perennial species capable of thriving in the city. A list of suggested grasses shall be maintained by the chief building official and zoning administrator of the city.
 - B. Lawn grasses shall be planted so as to achieve complete coverage within two (2) calendar years from the time of planting.
 - C. Grasses may be sodded, sprigged, plugged or seeded except that solid sod shall be used in swales or other areas subject to erosion.
 - 4. Synthetic plant material. No credit shall be granted for use of artificial plant material.
 - 5. Architectural planters. Credit shall be given for use of architectural planters which meet the following criteria:
 - A. Architectural planters for shrubs shall have a planting area of not less than ten (10) square feet and a depth of not less than eighteen (18) inches.
 - B. Architectural planters for trees shall have a planting area of not less than twelve (12) square feet and a depth of not less than four (4) feet.

(Code 1958, § 13A-4; Ord. of 11-28-94, §§ II--IV)
 (2005 [20-75(3)a], Amended, 03/14/2005; 20-72-6(a), Amended, 02/24/2003)

Section 20-76 Maintenance, preservation and use standards.

(a) *Maintenance:*

- (1) All required plant material shall be maintained in good condition at all times.
- (2) Structural elements relating to nonliving landscape material shall be maintained in good condition at all times.

(b) *Replacement.* Dead plant material shall be replaced in accordance with the provisions of this article and within a time period appropriate to the growing season of the species in question, not exceeding ninety (90) days.

(c) *Protection of landscape material.* All required landscape areas shall be protected from unpermitted vehicular encroachment by the use of wheel stops, curbing or other suitable methods.

(d) *Use of landscape area.* No required landscape area shall be used for parking, except encroachment as provided in this article, or for accessway structures, garbage or trash collection or any functional uses contrary to the intent and purposes of this chapter.

(Code 1958, § 13A-7)

Section 20-77 Landscape plan and permit procedure.

Whenever the provisions of this article are applicable, a landscape permit shall be required.

- (1) *Submission of landscape plan.* A landscape plan shall be submitted upon application for a landscape permit. The landscape plan shall include sufficient information for the City to determine whether the proposed landscape improvements are in conformance with the landscape standards and other requirements of this article.
- (2) *Contents of landscape plan.* The landscape plan shall be submitted to the City and shall include at a minimum a description of the species, size, quantity and location of all trees, shrubs and landscape material and a depiction of the site including proposed structures, vehicle use areas and relationships of the site to adjacent public or private streets and properties.
- (3) *Permit procedures.* The following procedures and requirements shall be followed by the applicant and the City:
 - a. Applications for approval of landscape plans shall be made to the City. Upon approval of an application the City shall issue a landscape permit.
 - b. The City shall have fifteen (15) working days after receipt of a completed application filed pursuant to this section in which to approve or deny the application. If the City disapproves the application, the City shall specify to the applicant in writing the reason for the City's action. If no final action with regard to a completed application is taken within the required fifteen (15) working days, the application for approval of a landscape plan shall be deemed to be approved.
 - c. No building permit, if required, shall be issued unless and until the City has approved the application for a landscape plan.
 - d. No certificate of occupancy shall be issued unless and until the City has determined after final inspection that required site improvements have been installed according to the approved application and plan. The City may require a performance bond or other security in the amount of no more than one hundred ten (110) percent of the cost of the required improvements in lieu of withholding a certificate of occupancy, and may further require that improvements be satisfactorily installed within a specified length of time.
 - e. Any applicant aggrieved by the action of any official charged with the enforcement of this chapter shall have the right to appeal the action to the tree and landscaping committee. The appeal shall be filed with the chief building official, in writing not less than fifteen (15) calendar days prior to the meeting at which the appeal will be heard, designating the reasons for the appeal. The appeal shall be heard at the next regularly scheduled meeting of the committee.
 - f. A copy of the approved permit and plan shall be available on site during installation of landscape improvements.

(Code 1958, § 13A-5; Ord. of 11-24-03)

(2003(20-77e), Amended, 11/24/2003)

Section 20-78 Variances.

(a) The tree and landscaping committee upon written application by the developer, may grant a written variance from any requirement of this article using the following criteria:

- (1) **Where granting of the variance will not impair the attainment of the objectives of this article; and**

(2) Where literal enforcement of this article would result in unnecessary and undue hardship.

(b) Applications for variances shall be filed with the chief building official not less than ten (10) calendar days prior to the meeting at which time the application will be heard designating the reasons for the variance. The application shall be considered at the next scheduled committee meeting.

(Code 1958, § 13A-6; Ord. of 11-24-03)
(2003 (20-78), Amended, 11/24/2003)

Section 20-79 Enforcement.

Whenever the City determines that a violation of this article exists, the City shall give written notice of the violation to the occupant, applicant and the owner shown on the most recent tax roll of the city. A copy of such written notice shall be transmitted to the City attorney.

(1) *Content.* The notice shall include but not be limited to:

- a. A description of the location of the property involved, either by street address or by legal description;
- b. A statement indicating the nature of the violation;
- c. A statement showing the time within which all necessary remedial action must be accomplished, which time may not be less than ten (10) days nor more than ninety (90) days from the date of such written notice;
- d. The name of the person upon whom the notice of violation is served;
- e. A statement advising that upon the failure to comply with the requirements of the notice, the City shall take such enforcement procedures as may be required under this article.

(2) *Service.* The written notice required above shall be served upon the person violating this article and the person owning the land by either personal delivery or certified mail.

(3) *Enforcement.* If such notice is not complied with within the time specified in the notice, then the City shall use all available means of enforcement in order to secure compliance with the provisions of this article.

(Code 1958, § 13A-8)

Section 20-80 Penalty.

Any person violating this chapter shall be punished in accordance with the provisions of section 1-6.

(Code 1958, § 13A-9)