

## **6800. - LANDSCAPING REGULATIONS**

Footnotes:

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**Editor's note**— Ord. No. 54-97, § 1(Attachment A), amended former section 6800 in its entirety to read as herein set out. Former section 6800 pertained to similar subject matter and derived from Ord. No. 38-85, 4-23-1985; Ord. No. 28-86, §§ 8, 9, 4-1-1986; Ord. No. 64-88, § 6, 5-31-1988.

[Sec.] 6805. - Purpose.

The purpose of the landscaping regulation is to improve the quality of life for those living, working and visiting the city by enhancing the appearance of properties as viewed from rights-of-way, and to assist in attaining increased air quality as it relates to oxygenation and filtration of dust and other air-borne pollutants.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6810. - Minimum landscape requirements.

### A. *General landscaping requirements.*

1. A suggested plant list is herein included for reference as to trees and other vegetation found compatible with local soil and climatic conditions. References made herein to a "canopy tree" shall refer to a tree which has a mature height exceeding 30 feet. References to an "understory tree" shall refer to a tree which has a mature height less than 30 feet.
2. Landscaping regulations shall apply to all uses other than single-family, duplex, and zero lot line residential uses.
3. Requirements herein shall apply to each separately platted lot, or each portion of a lot where applicable and determined appropriate by the city, or for the entire unplatted tract or parcel of land.
4. Where any property on one lot is to be developed in phases, so that only a portion of the site is to be used (such as parking lots for the current phase), there shall be consideration to define or limit the required landscaping to the area being currently developed or used.
5. Plant materials planted in pots shall not be counted or credited toward meeting landscape requirements herein. All plant materials shall be live and planted in the ground.
6. Canopy trees shall have a minimum caliper size of two inches in diameter when measured one foot above ground level. Understory trees shall have a minimum caliper size of 1½ inches when measured one foot above ground level.
7. Where understory trees are permitted, and where the trees are multi-trunked, the minimum diameter of any single trunk shall be three-quarters of one inch as measured one foot from the crown.
8. For canopy trees, where multiple-trunked trees are proposed, and where the branches of a tree fork at or within one foot of the joint of a tree, no branch describing the fork shall be less than one inch in diameter when measured six inches after the fork.
9. Where shrubs are required herein, the minimum shrub size shall be five-gallon as defined by the American Nursery Association.
10. For every two landscaped islands, medians or peninsulas required herein, at least one island, or 50 percent of all islands, medians or peninsulas, shall be planted with a canopy tree and

required shrubs. If only one island, median or peninsula is required, it shall contain a canopy tree and required shrubs.

11. A landscaped strip shall be provided along all portions of a property adjacent to a public right-of-way. Such strip shall be adjacent to the sidewalk or right-of-way, and shall not include a sidewalk or right-of-way. The minimum width of the landscaped strip shall be five feet. An adjustment in the configuration of the strip may be considered when such alternate proposal is equivalent to the square footage area provided by the strip. Such alternate consideration shall be more or less evenly distributed to the greatest extent possible along the area which would normally be occupied by the strip.
12. The required perimeter landscaping along public or private streets shall contain the following minimum plant materials:
  - One canopy tree per 40 linear feet of street frontage;
  - 50 percent of the required trees as canopy trees and the remaining 50 percent as understory trees; or
  - 50 percent of the required trees as canopy trees, 25 percent as understory trees, and the remaining 25 percent shrubs at a rate of five shrubs for every one understory tree substituted.

If only one tree is required, that tree shall be a canopy tree.

13. All landscaped areas shall be protected with a concrete curb with a minimum height of six inches or of such a barrier using recognized methods and materials that will accomplish the intended purpose as approved by the Department of Community Development. No materials shall be considered which are subject to rot or decay, or will not afford sufficient long-term protection to protect from vehicular intrusion.
14. All landscaping elements required by this provision shall be constructed, installed and maintained so as not to obstruct the view of motorists and pedestrians between the street and access drives, parking aisles and entries and exits.
15. The required landscaped areas for parking lots shall be more or less evenly distributed throughout a parking lot. Adjustments may be considered when the shape or size of the parking lot, the location of existing trees, or other constraints reasonably prevent such distribution.
16. For those areas of a property to be used exclusively for docking and maneuvering areas, the landscaping area requirements for parking lots shall be determined by including the total area within the parking spaces, parking aisles, and travel lanes of the parking lot which are designed for the exclusive use of customers or employees. Maneuvering and docking areas are excluded.

Maneuvering and docking areas facing a street shall be required to provide a landscaped area between the maneuvering and docking area and the street, using a combination of trees, shrubs, berms and other such landscape elements with the intent of providing a future screen of the view of such maneuvering and docking area to the greatest extent possible.
17. No lighting system, divider, fence, decorative column, fixture, equipment or similar material shall be placed within any parkway or public easement abutting a public street under the control of the city without approval by the city.
18. Xeriscape and drought-tolerant plants may be considered as a substitution to plant materials required herein provided that an irrigation system is installed to provide full coverage of all landscaping areas.
19. Any parking lot or portion thereof which is to contain more than 20 parking spaces shall provide permanently landscaped areas consisting of islands, peninsulas, or medians within the parking area. At a minimum, a landscaped island, median or peninsula not less than 160 square feet shall be provided as follows:

- One per 20 parking spaces for sites having less than 100 parking spaces.
- One per ten parking spaces for sites having 100 or more parking spaces.
- For sites with less than 20 parking spaces, no additional island, median or peninsula is required.

Each island, median or peninsula required herein shall, at minimum, contain the following:

- One canopy tree;
  - Fifty percent of the required trees as canopy trees and the remaining 50 percent as understory trees; or
  - Fifty percent of the required trees as canopy trees, 25 percent as understory trees, and the remaining 25 percent five gallon shrubs at a rate of five shrubs for every one understory tree substituted.
20. For land uses where the total of all parking areas exceed 100 spaces, landscaping shall be installed along stacking aisles or circulation drives to identify and provide circulation control. Landscaping shall be used to identify ingress and egress points for traffic control and safety. Such landscaping shall be a combination of understory trees and shrubs.
  21. A change in zoning, land use or a conditional use permit may require landscaping equivalent to provisions contained herein.
  22. Reoccupying a structure exceeding 20,000 square feet which has been vacant for one year or when the structure is less than 20,000 square feet and has been vacant for two years, from the date of original vacancy, landscaping shall be required equivalent to provisions contained herein.
  23. Parkways or public rights-of-way may be landscaped and maintained with a combination of grass, ground cover, shrubs and trees if:
    - a. They are not located so as to interfere with the use, maintenance, or repair of any natural or manmade drainage facility, public water or sewer lines, or other public utility or facility;
    - b. They are not located within five feet of an electrical utility pole and will not reach a mature height which will pass within eight feet of an electrical transmission or distribution line;
    - c. They are not located so as to create a view obstruction to vehicular or pedestrian traffic; and

An approval to landscape a parkway is with the understanding that any utility work performed which disturbs or displaces installed vegetation or irrigation lines shall be the responsibility of the affected business or property owners to re-install or otherwise maintain the intent of section 6800.

B. *Landscaping requirements for remodeling.* For the purpose of this provision, a remodel shall include any change to the building interior or exterior or changes to a building site excluding routine maintenance and repair.

1. If a remodeling project has a total dollar value of less than 25 percent of the tax appraised value of the building, over a three-consecutive year period, no additional landscaping is required.
2. If renovation of a building over a three-consecutive year period causes the minimum cost to be 25 percent to 40 percent of the tax appraised value of the building, the minimum required landscaping area will be equivalent to the percentage.
3. Renovation of a building where the cost is at or exceeds 40 percent of the tax appraised value of the building, landscaping shall be required according to the standards under section 6810A.
4. For the remodeling of a building in the central business district, a plan shall be presented which strives to provide landscaping recognizing spatial constraints.

- C. *Landscape requirements for site improvements.*
1. If an increase in parking area is proposed which is at least a 20 percent increase to the total parking area, existing parking lots shall be required to provide internal landscaping equivalent to or greater than 50 percent of required parking lot landscaping required under section 6810A.
  2. Additional buildings placed on developed sites shall provide landscaping for any new parking provided, along with street frontage landscaping. Such parking and street frontage landscaping shall meet standards under 6810A.
  3. Where additional ingress/egress points are proposed from a public street considering, and in relationship with other site improvements, landscaping shall define these ingress/egress points through the use of trees and shrubs.
- D. *Site constraints.* Where it has been determined that site constraints exist which may limit the ability of a particular site to conform to requirements herein, the director of community development or [his] designee shall evaluate the ability of a proposal to come into conformance with requirements herein by considering constraints to that ability for any one use. If the proposal will not entirely fulfill the requirements herein, the director or designee may instruct that a proposal be presented which strives to maintain the intent of this section to the best of its ability. Such alternate proposal shall be approved by the director or designee. An appeal of the director's decision may be made to the Commission.

(Ord. No. 54-97, § 1(att. A), 6-3-1997; Ord. No. 61-2002, § 1, 8-6-2002; Ord. No. 51-2018, § 4, 10-2-2018)

[Sec.] 6815. - Irrigation required.

- A. All landscaped areas shall be provided with a buried irrigation system sufficient to provide complete coverage of landscaped areas. Such a system shall be shown on the required landscape plan.
- B. Hose bibbs may be used for irrigation purposes only if it is determined that installing an irrigation sprinkler system is not technically feasible. Cutting or removal of pavement or boring for irrigation lines beneath paving shall not in themselves be considered technical obstacles.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6820. - Preservation of existing trees.

The number of trees required shall be met, whenever possible, by the preservation of existing trees. Where parking lots are to be constructed to serve any development, the development shall be designed where possible so as to avoid locating parking or paving if such would result in the removal of any existing trees.

The landscape plan required by this regulation which shows removal of an existing tree shall consider the following:

- A. The removal would leave sufficient number of other existing trees to meet the tree requirements of this regulation; or
- B. Where the existing tree to be removed would otherwise be necessary to meet the number required, and removal is requested for the purpose of constructing any sewer, water, electric, gas lines or equipment, drainage facilities, sidewalks, driveways, parking lots, or other facilities, utilities or improvements to serve the property.

Such plan shall be considered if reasonable efforts have been made to avoid removal of the existing tree. In determining whether reasonable efforts have been made, the following shall be considered:

1. The feasibility of rerouting or relocating any of the improvements that requires the removal, including the relocation of any parking lot, or portion thereof, where sufficient land is available; and
  2. The additional cost, if any, that would be incurred in insuring preservation of the existing tree.
- C. Existing trees in the street right-of-way shall not be cleared, unless no other reasonable alternative is possible.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6825. - Common or phased development.

When any property is developed in phases, or is a common or unified development including more than one platted lot, the requirements of this regulation may apply to each phase of the development, or to all the lots being developed in common as though they were one lot, or otherwise apply the requirements as is reasonably necessary to carry out the purpose and intent of this regulation.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6830. - Credits.

- A. An existing canopy tree which is preserved as shown on the approved landscape plan shall count as two trees toward the number of required canopy trees, if it is healthy and without substantial damage or defect. The caliper of the tree shall exceed three times the caliper herein required to be considered for credit.
- B. For each approved landscaped peninsulas, islands or medians installed within parking lots, a credit shall apply to the required parking at a rate of 1½ parking spaces. Such credit shall apply if each of the approved landscaped peninsulas, islands or medians are reasonably of the same area as a required parking space. A credit may be repeated for each approved landscaped peninsula, median or island. However, available parking to serve the proposed use shall not be reduced to a level below 90 percent of the required spaces, nor shall a reduction occur in the required number of handicapped parking facilities.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6835. - Landscape plan required.

The owner, developer or agent of any property to which this regulation applies shall submit and have approved a landscape plan prior to the issuance of a building permit. The plan shall contain sufficient detail to show the following:

- A. The footprint of all existing and proposed structures.
- B. Remaining and/or proposed site elements such as power poles, fences, walls, drainage swales, easements, sidewalks, parking lot layout, pedestrian walkways, and other such elements.
- C. How the landscaping requirements are to be met, including the name, size, number, and location of all landscape elements.
- D. Name, location and size of existing trees, and type and location of other vegetation proposed to remain or for removal.

- E. When the internal landscaping requirements for parking lots apply, the size and location of the parking lot and the number of spaces, and how the owner proposes to address the interior landscaping requirement.
- F. Location and size of irrigation lines.
- G. Location of any buried pipeline or utility.
- H. Location of any dedicated or proposed to be dedicated easement.
- I. Such other information as may be reasonably necessary to administer and enforce the provisions of this regulation.
- J. Drawn at a scale of one inch to 100 feet or greater.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6840. - Maintenance requirements.

- A. After complying with the requirements of this regulation, the owners and each successive owners of the property shall maintain the required landscaping vegetation, landscaped areas and irrigation systems in good and operating condition, and shall otherwise maintain the property so as to comply with any other requirement of this regulation.
- B. Any dead, dying or damaged landscaping material shall be immediately replaced in conformance herein or, if due to inclement weather or out of season planting, specified in writing when such replacement shall occur, not to exceed 90 days.
- C. Where any owner of property to which this regulation applies fails to reasonably maintain the required trees and other landscaping or maintain the property so as to comply with any requirement of this regulation, the city may issue a written notice and order the owner to replace any dead or dying trees, landscape plant materials and irrigation system that were required by the landscape plan or this regulation, or require any other action otherwise necessary to abate or correct any condition to meet the requirements of this regulation.

(Ord. No. 54-97, § 1(att. A), 6-3-1997)

[Sec.] 6845. - Certificate of occupancy or final inspection.

- A. No certificate of occupancy shall be issued or final inspection made unless complying with terms and conditions required herein.
- B. A certificate of occupancy may be issued or a final inspection made without the required landscaping in place provided that assurances are given in writing as to the date when landscaping will be installed, if a landscape plan has received prior approval and the required landscape areas are prepared for planting. All landscaping conforming to the approved landscape plan shall be installed no later than 90 days after the issuance of the certificate of occupancy or final inspection. An irrigation system shall be installed and operational prior to issuance of a certificate of occupancy or final inspection.
- C. Prior to issuance of a certificate of occupancy or final inspection, the building official shall inspect the operation of the irrigation system, ensure that the required landscaping is installed as shown on the landscape plan, and other such information as may be required. The building official may use the services of other city departments to evaluate compliance with provisions established herein.
- D. If the city is in Stage 3 drought emergency or greater pursuant to section 106-186 of this Code, then the developer may postpone the installation of landscaping until the city is no longer subject to Stage 3 or greater drought restrictions. Upon such postponement, the landscaping will be considered installed for the purpose of receiving a certificate of occupancy. To postpone the landscaping

obligation, the developer must submit a request in a form promulgated by the city specifying the postponed landscaping and committing to install the postponed landscaping within 90 days after the end of the Stage 3 drought restrictions. After receiving postponement of the aforementioned obligation, then it shall be unlawful for an owner to fail to install the postponed landscaping within 90 days after being notified by the building official that the city is no longer subject to Stage 3 or greater drought restrictions.

(Ord. No. 54-97, § 1(att. A), 6-3-1997; Ord. No. 17-2013, § 1(6845), 4-2-2013)

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