

(Summary of Ordinance Published in The Morning Sun on October 26<sup>th</sup>, 2012)

## **ORDINANCE NO. G-1172**

**AN ORDINANCE**, establishing minimum landscaping standards in the commercial zoning districts by adding Sections 22-101, 22-102, 22-103, 22-104, 22-105, 22-106, 22-107, 22-108, 22-109, 22-110, and 22-111 to Zoning Ordinance Number G-663.

**WHEREAS**, the Planning and Zoning Commission of the City of Pittsburg, Kansas, has filed their report with the Board of Commissioners of the City of Pittsburg, Kansas, recommending amendment of Ordinance No. G-663.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF PITTSBURG, KANSAS:**

**Section 1:** Section 22-101 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

### **22-101 Purpose**

It is recognized that good landscaping increases property values, assists with stormwater runoff and retention, attracts potential residents and businesses to the city, and creates an attractive environment for all residents and visitors. The purpose of these regulations is to use landscape elements, particularly plant materials, in an organized manner that will improve storm water absorption, protect and improve the aesthetics of the City of Pittsburg, and enhance the safety, comfort and enjoyment of its citizens.

The City recognizes the value of landscaping in achieving the following goals:

1. Encourage the preservation of existing trees;
2. Provide an overall planting scheme that will reduce soil erosion and the volume and rate of discharge of storm water runoff;
3. Establish and enhance a visual character and structure to the built environment that is pleasant to view and is sensitive to safety and aesthetics;
4. Promote compatibility between land uses by reducing noise, glare, heat, and lighting impacts of specific development on users of a site and its abutting properties;
5. Provide visual screens and buffers that mitigate the impact of conflicting land uses;

6. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather conditions;
7. Mitigate the loss of natural resources;
8. Provide shade, comfort, and seasonal color.

These regulations are minimum landscaping standards. Owners and developers are encouraged to exceed these standards with more creative solutions, not only for the enhanced value of their land, but also for the health and enjoyment of all citizens of the City of Pittsburg.

**Section 2:** Section 22-102 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-102 Applicability**

These landscaping regulations are minimum standards and apply only to the CPO, CP-1, CP-2, and CP-3 zoning districts.

**Section 3:** Section 22-103 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

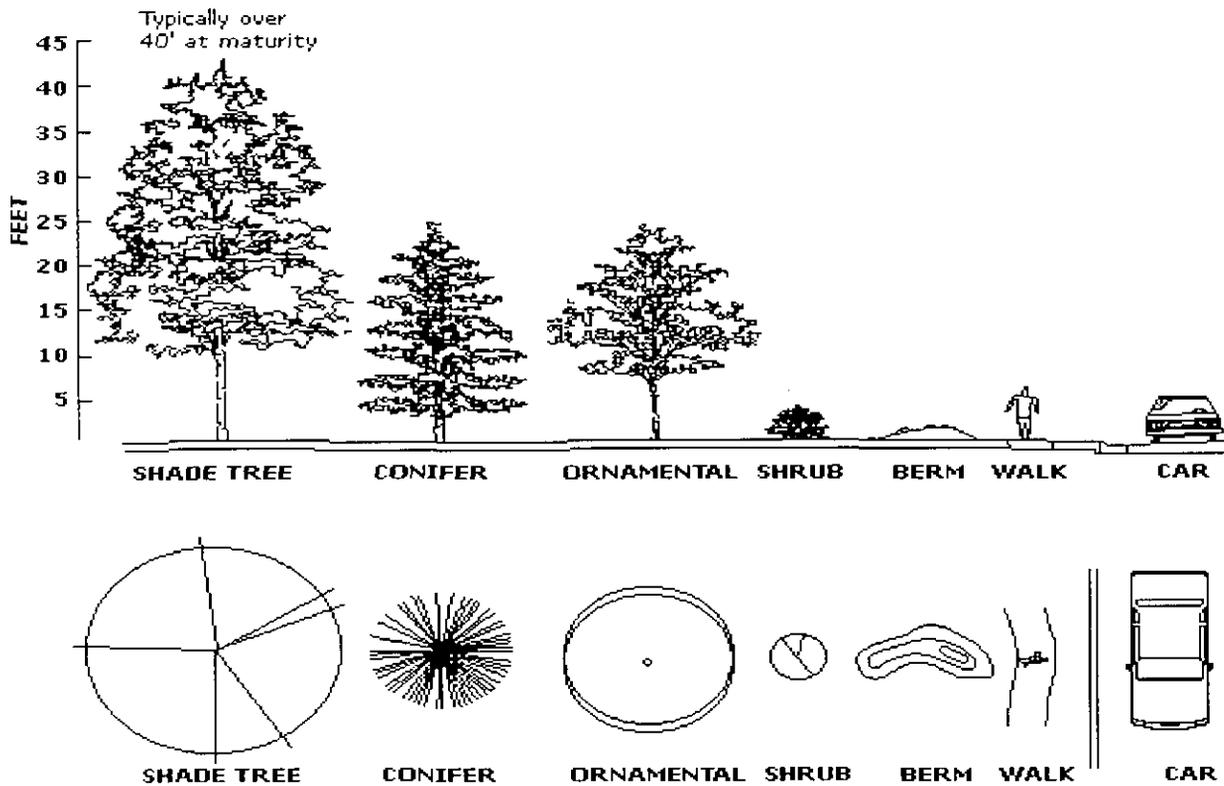
**22-103 Definitions**

For the purpose of this section the following words, terms and phrases, when used in this section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise.

1. *berm* - an earthen mound designed to provide visual interest, a landscaping screen, decrease noise, and /or detain or direct the flow of storm water.
2. *conifer tree* - an evergreen tree, usually pine, spruce, or juniper bearing cones and mostly used for screening purposes. For the purpose of these regulations, a conifer shall be considered a shade tree if it is at least five (5) feet tall when planted; AND is on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University.
3. *deciduous* - a plant with foliage that is shed annually.
4. *evergreen* - a plant with foliage that persists and retains its natural color year round.
5. *groundcover* - an evergreen or deciduous planting less than 24 inches in height at maturity. Turf grass is excluded.
6. *landscape materials* - living plants such as trees, shrubs, vines, groundcover, flowers, and grasses. May also include nonliving items such as bark, wood

chips, rock, brick, and stone (monolithic paving not included); and structural/decorative features such as fountains, pools, benches, berms, and terraces.

7. *mulch* - an organic or inorganic material used in landscape design to control weed growth, reduce soil erosion, retain moisture, reduce water loss, and provide visual interest.
8. *ornamental tree* - a deciduous tree having qualities such as flowers or fruit, attractive foliage, bark, or shape, and generally having a mature height of less than 40 feet. For the purposes of these regulations, trees listed as small or medium on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University shall be classified as ornamental trees.
9. *parking lot* - any off-street, unenclosed ground level facility used for the purpose of temporary storage of motor vehicles.
10. *shade tree* - usually a deciduous tree planted primarily for its high crown of foliage or overhead canopy. For the purposes of these regulations, trees listed as large or very large on the "*Shade and Ornamental Trees for Kansas*" list provided by Kansas State University shall be classified as shade trees.
11. *shrub* - a deciduous or evergreen woody plant smaller than a tree and larger than ground cover consisting of multiple stems from the ground or small branches near the ground, which attains a height of 24 inches or more.
12. *street frontage* - the width of the property abutting a street.
13. *street wall*. Any building wall facing a street.
14. *street wall line* - a line that extends from the building parallel to the street wall until it intersects a side or rear lot line, or the wall line of another building.
15. *street yard* - the area of a lot lying between the property line abutting a street and the street wall line of the building. If a building or its lot is an irregular shape, wall lines extending parallel to the street wall from the points of the wall closest to the side property lines shall be used to define the limits of the street yard. Corner lots shall be considered as having two (2) street yards.
16. *xeriscape* - a method of landscaping that emphasizes water conservation accomplished by following sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of native plants, use of mulches, gravel, use of low-water demand plants, efficient irrigation practices and appropriate maintenance.



**The symbol chart shown above is for the following sections:**

**Section 4:** Section 22-104 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-104 Required street yard plantings**

1. The minimum amount of street yard landscaping shall be as follows:
  - a. one (1) shade tree and two (2) shrubs for each 80 feet of frontage; or
  - b. two (2) ornamental trees and two (2) shrubs for each 80 feet of frontage; or
  - c. one (1) ornamental tree and seven (7) shrubs for each 80 feet of frontage.
2. For the purposes of landscaping regulations, all lots zoned CP-O, CP-1, CP-2, and CP-3 with less than 80 feet of street frontage, shall be construed as having a minimum street frontage of 80 feet.
3. Design standards for landscaped street yards and required trees:
  - a. trees shall be located in planter areas of sufficient size and design to accommodate the growth of the trees and protected to prevent

damage to the trees by vehicles. A minimum of twenty-five (25) square feet of permeable ground surface area per tree is required.

- b. trees may be clustered along a façade or boundary of the yard. Trees are not required to be spaced evenly; however, adequate distance is to be maintained between individual trees. Minimum spacing for ornamental trees is recommended to be fifteen (15) feet. Minimum spacing for shade trees is recommended to be forty (40) feet or more.
- c. minimum size at time of planting of required trees shall be as follows:
  - 1. shade trees – two (2) inch or larger caliper measured at the height of six (6) inches above the ground.
  - 2. ornamental trees – 1.5 inch or larger caliper measured at the height of six (6) inches above the ground.
  - 3. conifer trees – five (5) feet or more in height at time of planting.
- d. shrubbery shall obtain a mature height of at least two (2) feet and shall be no less than three (3) gallon container size at the time of planting.
- e. trees and shrubs should not be located inside public right-of-way. If they are located inside the right-of-way, they shall be located no closer than eight (8) feet to the curb line of adjacent streets or sidewalks, and they must not interfere with existing or future utility services and/or traffic control devices.
- f. any grass or shrubbery located inside the sight triangle shall be no taller than 18 inches at maturity. Trees placed in the sight triangle shall not have any limbs, boughs, or branches below eight (8) vertical feet from ground level.

**Section 5:** Section 22-105 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-105 Required buffers**

- 1. Buffers between commercial and residential development:
  - a. a landscaped buffer is required along the common property line of any commercially zoned property where it abuts residentially zoned property. The landscaped buffer is in addition to the required screening.

- b. there shall be a minimum of one (1) shade tree or two (2) ornamental trees for every 40 feet or fraction thereof. The trees may be irregularly spaced but within fifteen (15) feet of the property line. If an easement occupies this fifteen (15) foot area, trees are to be located outside of the easement.
- c. minimum size at time of planting of required trees shall be as stated in Section 22-104.3(c) above.

**Section 6:** Section 22-106 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-106 Parking lot landscaping**

- 1. All new parking areas or additions to parking areas shall be continuously screened from view from adjacent residential districts. (Existing Zoning code 25-104.3)
- 2. All new parking areas or additions to parking areas which create twenty four (24) or more spaces shall provide at least two shade trees and two ornamental trees for each twenty four (24) parking spaces or fraction thereof over twenty four (24).
  - a. the trees shall be located within and/or around the parking lot to enhance its appearance and/or to reduce the deleterious effect of large expanses of paved areas.
  - b. trees planted in parking lot areas shall be planted in interior planting islands with each tree having a minimum permeable ground surface of twenty five (25) square feet.
  - c. a planting island shall be a minimum width of at least five (5) feet, and its contents shall be protected from possible damage caused by vehicles by the use of raised curbs, bumper blocks, or other protective means.

**Section 7:** Section 22-107 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-107 Other landscaping regulations**

- 1. Landscaping shall not conflict with the traffic visibility requirements of this code.
- 2. Artificial trees, shrubbery, turf, or other plants as a landscape material will not be allowed.
- 3. Planting of cottonwood, ash, and Australian Pine trees shall not be allowed in any required landscaped area.

4. Clumped, or multi-trunked trees shall be credited as only one of the required trees.
5. Landscaping shall not interfere with safety and accessibility of any gas, electric, water, sewer, telephone, or other utility easement.
6. Any dead or diseased tree shall be removed. The stumps of all removed trees shall be ground out to at least four (4) inches below the ground level, the wood chips removed, the cavity filled with topsoil, and the area leveled.

**Section 8:** Section 22-108 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-108 Maintenance**

1. The landowner is responsible for the maintenance of all landscaping materials and shall keep them in a proper, neat, and orderly appearance free from refuse and debris at all times.
2. Disturbed soil between trees and shrubs in planting beds shall be mulched, planted or otherwise treated to prevent wind and water erosion.
3. Plants which die shall be replaced within sixty (60) days or, if weather prohibits replanting within that time, replanting shall occur within the first thirty (30) days of the next planting season.

**Section 9:** Section 22-109 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-109 Enforcement / assurances for installation and completion**

1. Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, all work as indicated on the landscaping plan shall be inspected, and, if in accordance with the submitted landscape plan, shall be approved by a city inspector.
2. A landowner may obtain a final certificate of occupancy for a structure prior to the completion of required landscaping due to seasonal or weather conditions if the owner submits necessary assurances for the completion of landscaping. Acceptable assurances guaranteeing the completion of landscaping, such as a an irrevocable letter of credit, certified check or other assurance, shall be equal to one-hundred twenty-five percent (125%) of the cost of landscaping work and shall be accompanied by a written letter of assurance that landscaping shall be completed according to the landscape plan and accepted by the city inspector.

**Section 10:** Section 22-110 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-110 Penalties**

Any person, contractor or subcontractor violating any provision of this Ordinance is guilty of a class C offense, punishable as provided in Chapter 1, Section 1-7 of the Pittsburg City Code. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

**Section 11:** Section 22-111 of Zoning Ordinance No. G-663 is hereby created and shall read as follows:

**22-111 Severability**

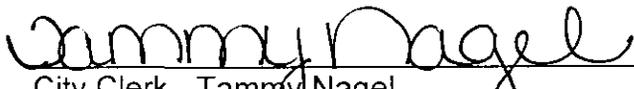
If any provision of this section is invalidated by any court of competent jurisdiction, the remaining provisions shall not be affected and shall remain in full force and effect.

**Section 12:** This Ordinance shall take effect and be in force from and after its passage and publication in the official City paper.

**ADOPTED AND APPROVED** by the Governing Body on this 23<sup>rd</sup> day of October, 2012.

  
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Mayor – John Ketterman

ATTEST:

  
\_\_\_\_\_  
City Clerk - Tammy Nagel

