

ARTICLE 20

LANDSCAPING

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SECTION 20-1 INTENT

20-101. The intent of this Article is to provide shade and to enhance the visual integrity of the community; to encourage the use of landscape vegetation to visually soften paved areas and hard architectural lines, buffer uncomplementary land uses, screen unsightly views, enframe buildings and scenic views, and to generally enhance the quality and appearance of developments; to ensure the preservation and/or replenishment of trees native to the region; and to promote sound environmental conditions by providing shade, air purification, oxygen regeneration, ground water recharge, stormwater runoff retardation, and noise, glare and heat abatement.

SECTION 20-2 DEFINITIONS

20-201. For the purposes of this Article, the following words shall have the following meanings:

- a. ***Deciduous trees*** means generally those trees which shed their leaves annually, such as ash, sycamore and willow.
- b. ***Evergreen trees*** means generally those trees which do not shed their leaves annually, such as pine, spruce and juniper.
- c. ***Ground cover*** means landscape materials, or living low-growing plants other than turf grass, installed in such a manner so as to form a continuous cover over the ground surface.
- d. ***Landscaped open space*** means all land area within the property lines not covered by building or pavement.
- e. ***Landscape material*** shall consist of such living material as trees, shrubs, ground cover/vines, turf grasses, and nonliving material such as: rocks, pebbles, sand, bark, brick pavers, earthen mounds (excluding pavement); and/or other items of a decorative or embellishment nature such as: fountains, pools, walls, fencing, sculpture and geo-block drives.

- f. **Large trees** generally include those species of trees that reach a height of seventy feet (70') or taller at maturity.
- g. **Medium trees** means trees generally thirty (30) to seventy feet (70') in height at maturity.
- h. **Native grasses** means species of perennial grass other than those designated as noxious weeds by the Kansas Department of Agriculture.
- i. **Private street setback** means that distance of open area between the curb line and the building or parking setback line.
- j. **Public street setback** means that distance of open area between the street right-of-way line and the building or parking setback line.
- k. **Shrubs** means any self-supporting, woody plant of a species which normally grows to an overall minimum height of less than fifteen feet (15') in this region.
- l. **Small trees** means trees generally thirty feet (30') or less in height at maturity, including ornamental flowering trees and patio trees.
- m. **Trees** means any self-supporting, woody plant of a species which normally grows to an overall minimum height of fifteen feet (15') in this region.
- n. **Turf grass** means a species of perennial grass grown as permanent lawns or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

“The American Standard for Nursery Stock,” in its most current edition, as published by the American Association of Nurserymen, shall be referred to in determining the applicability of the definitions in this section.

SECTION 20-3 GENERAL CONDITIONS

20-301.

- a. A landscape plan shall be submitted in support of a site plan or planned unit development. All land areas which are to be unpaved or not covered by buildings shall be brought to finished grade in accordance with the approved erosion and sediment control plan and planted with turf or native grass or other appropriate ground cover and receive trees as specified in Section 20-4.
(20-301-a Revised 11-16-11)
- b. In addition to the minimum number of trees to be planted, as set forth in Section 20-4, development of commercial and industrial properties adjoining residential districts shall comply with the requirements of Section 24-4.
- c. Tree Preservation.
 - 1. Development for which a landscaping plan is required shall be designed to preserve existing trees and vegetation to the greatest extent possible and shall seek to

incorporate existing stands of trees as well as individual trees. Sensitivity to site grading, storm drainage, building location and orientation and parking lot configuration shall be demonstrated to ensure tree and vegetation preservation. The intent of these regulations is to recognize the need to alter the landscape during site development activities, while setting out standards necessary to ensure tree preservation to the greatest extent possible.

2. A tree preservation plan shall be submitted at the time of site plan review. The plan shall indicate the general location and massing of wooded areas, areas with dense shrubbery, and isolated individual mature hardwood trees and designate which areas or trees are to be preserved and which are to be removed. The Planning Commission shall review the plan and either approve it or direct the applicant to seek alternative site design to improve preservation of existing trees.

SECTION 20-4 MINIMUM TREE REQUIREMENTS

20-401.

- a. Low-Density Residential Development. (other than within HC-O District): One tree per fifty feet (50') (or portion thereof) of street frontage, public or private, shall be required within the setback area abutting the street frontage. The trees may be clustered or arranged within the setback area and need not be placed evenly at fifty-foot intervals. In addition to the required trees based on street frontage, one tree shall be required for every dwelling unit.
- b. All Other Development.
 1. One tree per fifty feet (50'), or portion thereof, of street frontage, public or private, shall be required within the landscape setback abutting the street frontage. The trees may be clustered or arranged within the setback area and need not be placed evenly at fifty-foot intervals.
 2. Small ornamental trees and shrubs shall be provided to meet site and screening requirements.
- c. Adequate clearance between trees and other infrastructures shall be coordinated in such a manner to allow for the location of street trees within the right-of-way, wherever practical, and shall promote the longevity of the street trees to avoid premature loss of the trees. The street tree plan shall coordinate the locations of street trees to allow access to utilities with minimal disruption to the street trees and their supporting root systems while avoiding increased service costs to the utilities. Landscaping shall observe all sight-distance requirements.

SECTION 20-5 PLANTING REQUIREMENTS

20-501. The planting and minimum size standards for all new plant material shall be as follows, except that the Planning Commission may modify these standards for good cause shown:

- a. Medium and Large Deciduous Shade Trees. Three-inch (3") caliper, as measured six inches (6") above the ground as specified by the American Association of Nurserymen;

- b. Small Deciduous or Ornamental Trees. Six to eight feet in height as specified by the American Association of Nurserymen, with the exception of true dwarf species;
- c. Conifers. Five to six feet in height;
- d. Upright Evergreen Trees. Five to six feet in height as specified by the American Association of Nurserymen, except for true dwarf varieties;
- e. Shrubs (Deciduous and Conifer, Including Spreader and Globe Tree Forms). Size should be sufficient to create an immediate visual impact;
- f. Lawns. Yard areas shall be sodded, or seeded, or maintained in a generally mature state, or covered with native grasses or other ground cover appropriate to the location and intended use to provide complete coverage within the first growing season;
- g. Ground Cover. Crowns, plugs, containers, in a number and of a quality appropriate by species to fulfill intended use;
- h. Sod. As necessary to provide soil stabilization.

SECTION 20-6 PLANTING REQUIREMENTS WITHIN PARKING AREAS

20-601.

- a. The intent of this section is to encourage interior landscaping within vehicular parking areas, to break up the large expanses of pavement, minimize increases in stormwater runoff, and to provide relief from the reflected glare and heat, as well as to guide vehicular and pedestrian traffic.
(20-601-a Revised 11-16-11)
- b. Except for those having a paved area no wider than a double-loaded aisle or more than 65 feet in width, all parking areas, including lots for the sale or display of autos, trucks, motorcycles, boats, recreational vehicles, campers and similar items, shall include the following as minimum requirements:
 - 1. An area equal to not less than one (1) of every fifteen (15) parking stalls in the parking lot shall be used for interior landscaping. The applicant shall submit calculations demonstrating compliance with this requirement. Planting which is required along the perimeter of a parking lot shall not be considered as part of the interior landscaping requirement.
 - 2. The landscaping and planting areas shall be reasonably dispersed throughout the parking lots.
 - 3. The interior dimensions of any planting area or planting median shall be sufficient to protect the landscaping materials planted therein and to insure proper growth. Each area shall be protected by portland cement concrete vertical curbs, or similar structures.

4. The primary landscaping materials used in parking lots shall be trees which provide shade or are capable of providing shade at maturity. Shrubbery, hedges and other planting material may be used to complement the tree landscaping, but shall not be the sole contribution to the landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscape plan.
5. In those instances where plant material exists on a parking lot site prior to its development, such landscape material may be used if properly preserved.
6. No landscaping, tree, shrub, fence, wall or similar item shall be placed in zones of ingress or egress at street corners, or in the intersection of a public right-of-way that the City Engineer or his or her designee determines is an obstruction to visibility, extends into sight lines, or is a traffic hazard.

SECTION 20-7 TIMING FOR ESTABLISHING LANDSCAPING

20-701.

- a. Except where otherwise provided in these regulations, or with the prior approval of the Zoning Administrator, all landscape material, living and nonliving, shall be in place prior to issuance of a final certificate of occupancy.
- b. All plant material shall be healthy and in place prior to issuance of a final certificate of occupancy. A temporary certificate from the Zoning Administrator may be issued without the installation, provided exposed soil on the site has been properly stabilized by Best Management Practices and written assurances are given that the planting will take place when the proper season arrives.

(20-701-b Revised 11-16-11)

SECTION 20-8 MAINTENANCE AND ENFORCEMENT

20-801.

- a. The trees, shrubs and other landscaping materials depicted on plans approved by the City shall be considered as required elements of the project in the same manner as parking, building materials and other details are elements of the project.
- b. The landowner shall be responsible for the continued maintenance to remain in compliance with all the requirements of this Article.
- c. Plant material which exhibits evidence of insect pests, disease, and/or damage shall be appropriately treated and dead plants promptly removed and replaced within the next planting season.
- d. All landscaping will be subject to periodic inspection by the City.
- e. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the landowner shall be considered in violation of these regulations.

SECTION 20-9 APPEALS

20-901. Upon written request, the Zoning Administrator may grant an appeal administratively for single-family, duplex and triplex residences regarding requirements of this article. Any other appeal to waive or modify any of the requirements of this Article shall be made to and at the discretion of the Planning Commission. Such appeals shall be approved by the Planning Commission only upon its finding that the following conditions are evident:

- a. That the conditions unique to the particular property dictate a waiver or modification;
- b. That strict application of the provisions of this Article will result in unnecessary hardship to the applicant and/or property owner;
- c. That the waiver or modification will not adversely affect the rights of adjacent property owners nor the general public welfare; and
- d. That the waiver or modification will not be opposed to the general spirit of these regulations.