

**ORDINANCE NO.**

AN ORDINANCE ADDING SECTION 6-8 OF THE ZONING ORDINANCE OF THE CITY OF PIEDMONT, OKLAHOMA PERTAINING TO LANDSCAPE REQUIREMENTS; (AND DECLARING AN EMERGENCY).

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PIEDMONT, OKLAHOMA:

Section 1. Section 6-8 of the Zoning Ordinance of the City of Piedmont, Oklahoma, is hereby revised to read as follows:

**CHAPTER 6 SECTION 6-8  
LANDSCAPING**

**1. PURPOSE:**

The purpose of this Section is to provide for the orderly and aesthetic development of the City and to promote the health, safety and general welfare of the community. It is the intent of this Section to achieve the following:

- A. A balance between the need for landscape treatments and the need for commercial growth in the City.
- B. Promote a flexible attitude of enforcement sufficient to meet the spirit and intent of these requirements.
- C. Provide for the separation and buffering of incongruous uses and intensity of activities; and provide for the visual softening of building masses.
- D. Reduce glare from paved surfaces, dust nuisances and the impact of noise.
- E. Protect and promote the value of residential and commercial properties within the City.
- F. Promote a positive image for the attraction of new business enterprises within the City.

- G. Encourage the protection of healthy trees and vegetation and promote the natural ecological environmental and aesthetic qualities of the City.

Therefore, landscaping is required of new development and altered or repaired construction on all developments, and construction of the developments shall conform to the standards in this Section (the "Landscape Standards").

2. SCOPE:

The standards and criteria contained in this Section are the minimum standards for all new development and existing developments that are expanding or redeveloping thirty (30) percent or more of that development. All construction in these developments shall conform to this Section. Developments requiring a Specific Use Permit, a Conditional Use Permit, or part of a Planned Unit Development are required to meet the Landscape Standards or the standards set forth by the permit or Planned Development, whichever is more restrictive.

The provisions of this section shall be administered and enforced by the Community Development Director or his/her designee. For new construction, Landscape Standards shall be shown on a Landscape Plan as required in this Section.

- A. Permits - No permits will be issued for building, paving, utilities or construction until a Landscape Plan is submitted and approved by the City. A Certificate of Occupancy will not be issued until the Landscape Plan approved by the City has been installed in accordance with that plan and approved by the City. If a Certificate of Occupancy is sought during a season of the year in which the City determines that it would be impractical to plant trees, shrubs or grass, or to lay turf, the developer/owner will deposit with the City a sum of money equal to the cost of installing all or the remaining portion of the approved Landscape Plan. In lieu of paying cash, the developer/owner may provide financial assurance of payment of the cost of installing the Landscape Plan acceptable to the City, which will remain in effect until the Landscape Plan is installed and accepted by the City. The Landscape Plan will be installed within six (6) months of final acceptance of the development by the City or issuance of the first certificate of occupancy within the development. Failure to do so will be a violation of this Ordinance and subject to the penalties contained herein.
- B. Enforcement - If at any time after the issuance of a Certificate of Occupancy, the landscaping that was installed does not conform to the Landscape Plan or the Landscape Standards, the City will issue notice to the property owner, tenant and/or agent, citing the violation and describing the action required to comply with this Section. The owner, tenant or agent shall have thirty (30) days from date of said notice to comply with approved Landscape Plan. If the landscaping is not installed within the allotted time, the property owner, tenant, and agent shall be in violation of

this Ordinance. In addition to any other remedy available to the City, the Certificate of Occupancy for that property may be revoked.

3. LANDSCAPE PLAN:

A landscape plan shall be submitted in conjunction with a site plan and/or final plat for all developments. A landscape plan is not required for individual single family lots. The landscape plans shall be prepared by a Landscape Architect shall contain the following information:

- A. Minimum scale of one (1) inch equals thirty (30) feet or appropriate scale for legibility.
- B. Location, size and species of all existing trees to be preserved indicating true size as measured four and one half (4½) feet above natural ground level.
- C. Location of all plant and landscaping material to be used, including plants, paving, benches, screens, fountains, statues, earthen berms, ponds (to include depth of water), topography of site, or other landscape features.
- D. Identification of all plant material to be used, identified by both common and botanical names.
- E. Size of all plant material to be used at time of planting, appropriate spacing shall be indicated on the Landscape Plan and approved by the City.
- F. Layout and description of irrigation, sprinkler, or water systems including placement of water sources.
- G. All common areas, non-residential, and multi-family landscape areas will be irrigated with a mechanical irrigation system including turf and ground cover areas.
- H. A certified landscape architect shall be required for the preparation and submission of the Landscape Plan. (A dry seal with signature is acceptable for the Landscape Plan).
- I. North indicating mark.
- J. Date of the Landscape Plan and any revisions.
- K. Size and location of all existing and proposed utilities, including easements.
- L. Details and/or cross sections as required for clarification by the City.

M. Topography shall include final grade at one (1) foot intervals using spot elevations and/or contours to define proposed drainage patterns as required by the City.

N. Parkways and medians shall have a minimum of six (6) inches of topsoil.

4. MAINTENANCE:

The owner, tenant and/or their agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping required by this Ordinance. All plant material shall be perpetually maintained in a healthy and growing condition as is appropriate for the season of the year. Plant materials that die shall be replaced by property owner, tenant or agent with plant material of similar variety and size, within thirty (30) days of notification by the City or a date approved by the City.

5. GENERAL STANDARDS:

The following criteria and standards shall apply to landscape materials and installation:

- A. All required landscaped open areas shall be completely covered with living plant material. Mulch and other materials can be used around required shrub and tree plantings. Supplemental plantings or design elements that are beyond requirements can be submitted for City review and approval at any time. Landscape Plans must meet the minimum requirements of this Section prior to approval by the City.
- B. Plant materials shall conform to the standards of the approved plant lists in this Section. Substitutions of plant material may be approved by the City. The quantity of plant material required by this Section must equal or exceed the minimum number of plants required by this Section. Unless otherwise noted on the approved Landscape Plan, required plant material can be placed in groupings or utilized in appropriate planting designs that are proposed by the applicant and approved by the City.
- C. Trees shall have an average spread of crown of greater than fifteen (15) feet at maturity. Trees having a lesser average mature crown of fifteen (15) feet may be substituted by grouping the same so as to create the equivalent of fifteen (15) feet crown of spread. Unless otherwise specified herein, trees shall be of a minimum of three (3) inches in caliper as measured twelve (12) inches above natural soil level and seven (7) feet in height at time of planting.
- D. Shrubs other than dwarf variety shall be a minimum of two (2) feet in height when measured immediately after planting. A screening hedge, where required, shall be planted and maintained so as to form a continuous, unbroken, solid visual screen that will be three (3) feet in height within one (1) year after planting. Any parking area

abutting the landscape perimeter will be screened from the adjacent street as approved by the City. Parking areas that are beyond sixty (60) feet from the property line do not require screening unless adjacent to a residential zoning district or a residential development.

- E. Ground covers used in lieu of grass must provide complete coverage within one (1) year of planting. Ground cover planting must provide and maintain adequate coverage as approved by City.
- F. Earthen berms shall not exceed a 3:1 slope (three (3) feet of horizontal distance for each one (1) foot of height). All berms will contain adequate drainage and preventive erosion measures as may be required by the City. Berms shall not include Construction debris. Slippage or damage to the smooth finish grade of the berm must be corrected prior to acceptance by City.
- G. Large Trees must be planted four (4) feet or greater from curbs. Large trees shall be placed a minimum of four (4) feet from sidewalks, utility lines, screening walls and/or other structures. Ornamental trees can be placed closer than four (4) feet with approval from the City.
- H. Evergreen trees such as conifers intended for screening will have a minimum height of six (6) feet at the time of planting. Evergreen shrubs intended for required screening shall be a minimum of seven (7) gallons and be capable of attaining six (6) feet in height in two growing seasons.
- I. A Tree Permit, in accordance with Section 6.9, is required for all clear cutting and/or mass removal of wooded areas.
- J. All driveways will maintain visibility as approved by the City. Landscaping shall not impede visibility affecting the health, safety, and welfare of the public.
- K. All plantings intended for erosion control will be maintained by the land owner, applicant, or tenant. The City may require re-vegetation to prevent erosion.
- L. Small trees may be substituted for Large Trees at the rate of three (3) small trees for each one (1) large tree (3:1) with approval of the City. Unless otherwise specified herein, small trees will have a minimum size of three (3) inch caliper.
- M. Other plant materials in excess of the quantities required in this Ordinance may be smaller than the required material.

N. Alternate designs may be considered by the City to conform to the intent of this Ordinance. Any alternate design requires City approval. The alternate method of utilizing large quantities of small material may include, but are not limited to:

One (1) five (5) gallon shrub = Two (2) three (3) gallon or four (4) two (2) gallon  
One (1) three (3) inch large tree = Three (3) three (3) inch ornamental trees. All substitutions are subject to City approval and must be specified on the approved Landscape Plan.

O. The right-of-way adjacent to required landscape areas shall be maintained by the adjacent property owner in the same manner as the required landscape area.

P. Existing trees on a property that are preserved may be used to meet the requirements of this Section upon approval by the City.

1. Existing trees approved by the City for credit are to remain in a living and growing condition. Any existing tree for which credit was given that dies shall be replaced on the same basis as set forth in this Section.
2. Large groups of small or under-story trees are eligible for tree preservation credits with approval from the City. Credits shall be indicated on the landscape plan.
3. Credit will be revoked where trees intended for preservation credits are damaged due to, among other things, construction, broken branches, soil compaction or soil cut/fill.

Q. Alternative plant materials/landscapes that are low-maintenance and sustainable over a long term (Xeriscape) are encouraged. Xeriscaping uses slow-growing, drought tolerant plants to conserve water and reduce yard trimmings, landscaping and gardening in ways that reduce or eliminate the need for supplemental irrigation. Xeriscape landscaping does not mean zero or desert-like settings but traditional landscape that saves money and water. Lawns are acceptable as long as they don't require supplemental water to survive and can go dormant in times of drought (i.e., Bermadagrass). Soaker hoses and drip-irrigation systems offer the easiest and most efficient watering for xeriscapes, reducing moisture loss from evaporation.

## 6. LANDSCAPE AREA REQUIREMENTS:

A. Single Family and Two Family (Duplex) Landscape Area Requirements –

1. Trees from the Large Tree list in Section 6.8 7 below shall be planted on all Single-Family Detached and Two Family (Duplex) lots. Trees planted to meet the requirements shall not be smaller than three (3) caliper inches. A minimum of one (1) tree shall be planted within the front yard setback.

<u>Lot Size (sq. ft.)</u>	<u># of Trees</u>	<u># of Shrubs</u>
7,500 - 9,999	1	10
10,000 - 14,999	2	10
15,000 +	2	12

2. Ground cover shall be planted in the front, side, and rear yards of all residential lots. Ground cover includes, but is not limited to: grasses, shrubs, mulched planter beds, and hardscape.
3. Required shrubs shall be a minimum of three (3) gallon in size when planted and shall be planted in the front yard of all residential lots.
4. All landscaping required above shall be planted prior to issuance of the certificate of occupancy on the dwelling.
5. All single-family subdivisions or new two-family (duplex) development adjacent to arterial streets shall provide a landscaped buffer located on the outside of any subdivision fence, consisting of any combination of trees, shrubs, grasses, ground cover, earthen berms and/or rock or stone accents, arranged in a manner to achieve visual continuity. A separate landscape plan shall be submitted with all final plats containing property abutting said arterial streets.

**B. Multifamily Landscape Area Requirements –**

These standards apply to all Multifamily zoning districts.

1. General Requirements
  - a. Landscaped areas will be of varying depths intended to separate and screen incompatible land uses from one another and to provide green areas along arterials as defined by the City of Piedmont Comprehensive Plan.
  - b. Foundation plantings of a single row of shrubs are required along the front façade of all buildings adjacent to a public street.

- c. A summary of tabulations for all required plantings, preservation credits, tree mitigation, and/or other data as necessary to document the landscape requirements shall be shown on the Landscape Plan.

2. Perimeter Requirements –

- a. A landscaped area at least twenty-five (25) feet wide shall be located between multifamily developments and public street(s). One (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers within the required landscaped area (or quantity for size substitution can be approved by the City). All landscaping shown on the approved landscape plan will be installed in the vicinity of the building and its adjoining parking prior to the issuance of a Certificate of Occupancy for units in said building.
- b. Where multifamily development is adjacent to the property line of single family zoned property or areas shown as single family on the Comprehensive Land Use Plan, a double row of three (3) inch caliper trees on fifty (50) foot offset centers shall be located adjacent to single family zoning districts with one (1) row being shade trees and the other row being evergreen trees in a twenty five (25) foot wide landscape perimeter area, unless otherwise approved by the Community Development Director.
- c. Where a multifamily development is adjacent to the property line of property zoned for uses other than single family or parcels not shown as single family on the Comprehensive Land Use Plan, a fifteen (15) foot wide landscape area is required. In addition, one (1) large tree, three inch (3) inch caliper minimum, will be required for each fifty (50) linear feet that abuts the adjacent property line. Trees will be located within the fifteen (15) foot perimeter area or within the area located between the property line and the side or rear building line. Trees required under this Section that are planted in parking areas may not be credited towards meeting the number of required trees as outlined in the Interior Parking Requirements listed below.

3. Interior Parking Requirements –

- a. Twenty (20) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot, exclusive of the required perimeter landscape requirements stated above.

- b. One (1) Large Tree, three (3) inch caliper minimum, must be provided for every fifteen (15) parking spaces, in addition to the perimeter trees required Section 6.8 6(B)(2). In addition, the trees required in this Section may not be planted in the required perimeter landscaped areas to receive credit for the perimeter landscape area. Three (3) small trees, a minimum of six (6) feet in height and three (3) inches in diameter, may be substituted for one (1) required large tree for up to twenty-five (25) percent of the required large trees.
- c. Landscaped islands within the parking lot shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) foot wide, and a length equal to the abutting space.
- d. There shall be at least one (1) large tree, three (3) inch caliper minimum, within fifty (50) feet of every parking space.
- e. Landscaped islands will be located at the terminus of all parking rows, and should contain at least one (1) Large Tree, with no more than twelve (12) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Areas where parking is located between the public street and the buildings, trees will be placed every five (5) parking spaces.
- f. Landscape islands in parking areas may be grouped to form one (1) large island subject to City approval, provided however, grouping for large islands is prohibited adjacent to public street frontage.
- g. All landscaped areas will be protected by a raised six (6) inch concrete curb or wheel stop where curbs are not provided. Pavement will not be placed closer than four (4) feet from the trunk of a tree without City approval.

4. Irrigation Requirements –

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a City sidewalk. Reduction of this requirement is subject to review and approval by the Community Development Director.
- b. Trees and shrubs shall be irrigated by a dedicated zone with bubblers or drip lines. Other landscaping may be irrigated by spray irrigation.

Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.

- c. Rain and freeze detectors shall be installed on all irrigation lines.

C. Non-Residential Landscaped Area Requirements –

These standards apply to all non-residential uses.

1. Perimeter Requirements –

- a. A landscaped area consisting of living trees (as specified below), turf, or other living ground cover and being at least twenty-five (25) feet in width measured from the property line interior to the property shall be provided adjacent to and outside of the right-of-way on all properties located adjacent to a arterials as defined by the City of Piedmont Comprehensive Plan. The landscaped area may be reduced to fifteen (15) feet for the portion of a property adjacent to a collector street as defined by the City of Piedmont Comprehensive Plan. The landscaped area shall be increased to thirty (30) feet for properties adjacent to Piedmont Road. One (1) large tree, three (3) inch caliper minimum per thirty linear (30) feet of roadway frontage shall be planted within the required landscape area. The trees may be planted in groups with appropriate spacing for species. A minimum of seven (7) shrubs with a minimum size of five (5) gallons each will be planted in the landscaped area for each thirty (30) feet of linear frontage.
- b. Where a non-residential development is adjacent to the property line of residential zoned parcels or areas shown as residential on the Comprehensive Land Use Plan, one (1) large tree, three (3) inch caliper minimum, will be planted on thirty (30) foot centers in a fifteen (15) foot landscape area. Evergreen trees shall be planted on twenty (20) foot centers within areas where truck docks or loading spaces are adjacent to single family property.
- c. Where a non-residential development is adjacent to the property line of parcels zoned for uses other than residential or parcels not shown as residential on the Comprehensive Land Use Plan:
  - i. A five (5) foot wide landscape area is required.

- ii. If the property line is the centerline of a fire lane or drive aisle, the five (5) foot wide landscape area will begin at the edge of the lane/aisle. If the drive aisle or fire lane only allows access to parking spaces, the landscape area may be eliminated or moved at the discretion of the City.
- iii. The five (5) foot wide landscape area may be eliminated for a building where the building is attached to another building and the attached buildings are shown on an approved Site Plan.
- iv. One (1) small tree and three (3) five (5) gallon shrubs shall be planted every thirty (30) linear feet. These trees and shrubs may be clustered in lieu of placing them every thirty (30) feet.

2. Interior Parking Requirements –

Any non-residential parking area that contains twenty (20) or more parking spaces shall provide interior landscaping, in addition to the required landscaped edge, as follows:

- a. Ten (10) square feet of landscaping for each parking space shall be provided within the paved boundaries of the parking lot area.
- b. Where an existing parking lot area is altered or expanded to increase the number of spaces to twenty (20) or more, interior landscaping shall be provided on the new portion of the lot in accordance with this Section.
- c. All landscaped areas shall be protected by a raised six (6) inch concrete curb. Pavement shall not be placed closer than four (4) feet from the trunk of a tree without City approval.
- d. Landscaped islands shall be located at the terminus of all parking rows, and shall contain at least one (1) large tree, three (3) inch caliper minimum, with no more than fifteen (15) parking spaces permitted in a continuous row without being interrupted by a landscaped island. Where there is a minimum eight (8) foot wide landscaped median between two rows of head-in parking, landscaped islands are required every twenty (20) spaces.

- e. Landscaped islands shall be a minimum of one hundred and sixty (160) square feet, not less than nine (9) feet wide and a length equal to the abutting space.
- f. Subject to approval by the City, islands may be grouped to form one large island.
- g. There shall be at least one (1) large tree, three (3) inch caliper minimum, within one hundred and fifty (150) feet of every parking space. This minimum distance may be expanded with City approval in the event that required islands are grouped to form larger islands.

3. Building Landscaping –

- a. Foundation plantings are required for buildings or groups of contiguous buildings that are one hundred thousand (100,000) square feet or larger. One (1) large tree, three (3) inch caliper, shall be required for every twenty thousand (20,000) square feet of gross building area. These trees shall be located within thirty (30) feet of the face of the building. These plantings are intended to provide pedestrian areas while breaking up the large areas of impervious surface. Trees required by other Sections of this Ordinance will not meet this requirement. Trees may be planted within the building landscape area described above or within tree grates. These tree plantings should be placed so as not to impede sign visibility.

Trees intended for foundation plantings shall meet the following criteria:

- i. Planted within thirty (30) feet of the front building face.
- ii. Trees planted less than four (4) feet from the back of curb shall be located in a tree grate with a minimum dimension of four (4) feet.
- iii. Small trees may be substituted for large tree foundation plantings at the rate of three ornamentals for each requirement of a large tree (3:1) with City approval. Small trees shall have a minimum size of three (3) inch caliper. Multi-trunk trees will be required to meet a three (3) inch requirement based on standard nursery trade specifications.
- iv. Trees may be placed in groups with appropriate spacing for species.

- v. The above requirements may be reduced if approved by the City and additional pedestrian features such as plazas, seating areas, fountains, and outdoor recreation facilities are provided. These facilities must occupy an area equal to or greater than five (5) percent of the total building area.
- b. Downtown Commercial District, large canopy trees shall be planted every thirty (30) feet on center in tree grates within the sidewalk a minimum of four (4) feet behind the back of curb. The trees shall be a minimum three (3) inch caliper at the time of planting.

4. Irrigation Requirements –

Permanent irrigation shall be provided for all required landscaping as follows:

- a. Irrigation lines shall be placed a minimum of two and one-half (2 ½) feet from a City sidewalk or alley. Reduction of this requirement is subject to review and approval by the Community Development Director.
- b. Trees and shrubs shall be irrigated by bubbler irrigation lines only. Other landscaping may be irrigated by spray irrigation. Separate valves shall be provided to turn off the spray irrigation line during periods of drought or water conservation.
- c. Rain and freeze detectors shall be installed on all irrigation lines.

**7. PERMITTED PLANT MATERIALS+:**

<u>Large Trees (Shade)</u>	<u>Small Trees (Ornamental)</u>	<u>Shrubs</u>	
American Elm	Buckeye	American Beautyberry	Elaeagnus
Bald Cypress	Carolina Buckthorn	Argarita	Flowering Quince
Bur Oak	Crepe Myrtle (tree form)	Aromatic Sumac	Forsythia
Caddo Maple	Hawthorne	Bridal Wreath Spirea	Foster Holly
Cedar Elm	Hollywood Juniper	Burford Holly	Glossy Abelia
Chinese Pistache	Japanese Black Pine	Chinese Photinia	Harbor Dwarf Nandina
Chinkapin Oak	Juniper, Blue Point	Cleyera	Hypericum
Honeylocust (thornless)	Mexican Pinyon	Compact Nandina	Indian Hawthorn
Kentucky Coffeetree	Mexican Plum	Coral Berry	Italian Jasmine
Lacebark Elm	Mexican Plum	Crimson Pygmy Barberry	Leatherleaf Mahonia
Live Oak	Ornamental Pear*	Dwarf Burford Holy	Miniature Crepe Myrtle
Pecan	Persimmon	Dwarf Burning Bush	Nellie R. Stevens Holly
Red Maple	Pomegranate	Dwarf Chinese Holly	Oakleaf Hydrangea
River Birch	Possumhaw Holly	Dwarf Crepe Myrtle	Purpleleaf Japanese Barberry
Sawtooth Oak	Redbud, Eastern	Dwarf Glossy Abelia	Red Yucca
Shumard Oak	Roughleaf Dogwood	Dwarf Pomegranate	Rose of Sharon (Althea)
Southern Magnolia	Vitex	Dwarf Spirea	Semi-Dwarf Crepe Myrtle
Texas Ash	Wax Myrtle	Dwarf Wax Myrtle	Smooth Sumac
Western Soapberry	Yaupon Holly	Dwarf Yaupon	Spiraea

\* Ornamental Pear does not include Bradford Pears

+ This list does not preclude additional species as deemed appropriate by the *Community Development Director*.

Section 2. Repealer. All ordinances in conflict herewith are hereby repealed.

Section 3. . Severability. If any part, article, section, or subsection of this ordinance shall be held invalid or unconstitutional for any reason, such holding shall not be construed to impair or invalidate the remainder of said ordinance, notwithstanding such holding.

Section 4. Emergency. It being immediately necessary for the preservation of the public peace, health, safety, and welfare of the City of Piedmont and the inhabitants thereof that this ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this ordinance shall be in full force and effect from and its passage and approval.

\*\*\*END\*\*\*

The foregoing ordinance was introduced before the Piedmont City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and was duly adopted and approved by the Mayor and City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, after compliance with notice requirements of the Open Meeting Law (25 OSA, Sections 301, et seq.).

ATTEST:

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

Approved as to form and legality on \_\_\_\_\_, 2015.

\_\_\_\_\_  
CITY ATTORNEY