

ORDINANCE NO. 2015-13

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, GRADY COUNTY, STATE OF OKLAHOMA, AMENDING CHAPTER 16, PLANNING AND ZONING, BY ADDING A NEW ARTICLE REGULATING LANDSCAPING WITHIN THE CITY LIMITS; PROVIDING FOR CODIFICATION; PROVIDING AN EFFECTIVE DATE; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF CHICKASHA, STATE OF OKLAHOMA:

SECTION I. Chapter 16, Planning and Zoning, is hereby amended to add a new article, Article 15, Landscaping. Article 15 shall henceforth read as follows:

Article 15. Landscaping

Section 16-15-1. General provisions.

- (1) The purpose of this section is to establish definitions for landscaping regulations, establish general requirements applicable to all properties within the corporate boundaries, establish specific standards for one- and two-family residential properties, and establish specific standards for all other residential and nonresidential uses.
- (2) The city recognizes the values of landscaping in achieving the following goals:
 - a. Promote the enhancement of the community's urban forest;
 - b. Promote the reestablishment of vegetation in urban areas for health, ecological, and aesthetic benefits;
 - c. Provide new planting in concert with natural vegetation and careful grading;
 - d. Encourage the preservation of existing trees;
 - e. Establish and enhance a pleasant visual character and structure to the built environment, which is sensitive to safety and aesthetics issues;
 - f. Promote compatibility between land uses by reducing the visual, noise, and lighting impacts of specific development on users of the site and abutting properties;
 - g. Unify development, enhance and define public and private places;
 - h. Provide an overall planting scheme that will reduce soil erosion and the volume and rate of discharge of stormwater runoff;
 - i. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind;
 - j. Mitigate the loss of natural resources;
 - k. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods;

- l. Provide shade, comfort and seasonal color;
- m. Reduce glare, noise and heat; and
- n. Provide greater perceptual clarity along major streets and roads by more consistent planting of properly sized street trees.

Section 16-15-2. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Berm means an earthen mound covered with vegetation and designed to provide visual interest, screen undesirable views or decrease noise.

Caliper means diameter of a tree trunk. The term "caliper" is used for trees less than 12 inches in diameter. For trees less than four inches in diameter, it is measured six inches from the ground. For trees between four inches and 12 inches in diameter, it is measured 12 inches from the ground.

Developed area means the area of a lot that is disturbed for the purpose of developing structures, parking facilities, loading or storage areas, paved access to off-street parking or loading areas or other areas paved with an all-weather material, or landscaped areas.

Developer means the legal or beneficial owner of a lot or parcel or any land proposed for development or inclusion in a development, including the owner of an option, contract to purchase, or lease.

Easement means authorization by a property owner granting access to or other right to a designated part of his property for a designated purpose (as distinguished from "right-of-way").

Evergreen means a plant with foliage that persists and remains green yearround.

Ground cover means an evergreen or deciduous planting 24 inches or less in height.

Inset parking means vehicle parking area created by removal of a curb or extending the width of the street surface along the frontage of a property to permit parking or standing of vehicles. Any space having direct access from the street without benefit of driveway, including parallel, perpendicular, and angled configurations, is included in this definition.

Irrigation system means a permanent underground piping and sprinkler head system designed using industry standard methods to provide uniform irrigation coverage over a landscaped area.

Landscape means the part of a building's grounds consisting of structures, including, but not limited to, patios, retaining walls, and walkways, made with hard materials.

Landscape buffer means a combination of living vegetation, such as trees, shrubs, grasses or ground cover material.

Landscape plan means the preparation of graphic and written criteria, specifications, and detailed plans to arrange and modify the effects of natural and manmade features such as plantings, ground and water forms, circulation, walks, structures, and other features to comply with the provisions of this section.

Landscaped area means any area containing trees, shrubs, or groundcover that are intended to meet the requirements of these regulations.

Mulch means an organic material such as seed hulls, pine needles or tree bark used to control weed growth, reduce soil erosion and reduce water loss.

Parking lot means any off-street, unenclosed ground level facility used for the purpose of temporary storage of motor vehicles. Enclosed parking facilities, such as single or multi-story garages or parking facilities constructed within the confines of a larger building or structure, or permitted parking facilities associated with single-family and duplex residential development are not included within this definition.

Parking lot island means a planting area used for fulfilling parking lot landscaping requirements that is contained completely within the confines of a parking lot.

Parking lot planting means plantings of hardy trees, shrubs, or ground cover required due to the construction of impervious surface parking to be planted within or around the perimeter of the parking lot area, excluding parking garages, decks and covered parking.

Parking peninsula means a planting island used for fulfilling parking lot landscaping requirements that extends out into the parking area, and is bounded on at least one side by the outer edge of the paving or a building.

Planting plan means the preparation of graphic and written criteria of plant placement, plant specification of type, size and spacing, and other features to comply with the provisions of this section.

Public view means the ability to look at a property and see its improvements:

- (1) From or across a street, easement, or other right-of-way;
- (2) From public or private properties, both adjacent and in the vicinity.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" shall mean that every right-of-way established and shown on a final plat or conveyed to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels (as distinguished from "easement").

Shrub means a living self-supporting woody deciduous or evergreen species no less than eight inches in height, and no greater than 15 feet in height, which will remain full and attractive throughout the year.

Sight triangle means the area of clear visibility required on a corner to allow for the safe operation of vehicles, pedestrians, and cyclists in the proximity of intersecting streets, driveways, alleys, sidewalks, and bicycle paths.

- (1) All distances shall be measured using the curb; provided that where there is no curb, measurement shall be made along the line of the pavement.
- (2) Sight triangles are calculated by drawing a line along the curb or pavement edge to a point where said line intersects with a similar line on the intersecting street or drive; measuring from that point the required distance established in this section; and connecting the two lines at this point to create the base of the triangle.
- (3) Minimum sight triangle for all street intersections: 25 feet.
- (4) Minimum sight triangle for all driveway or alley access points with street: 20 feet.

(5) No plants in a sight triangle shall exceed 24 inches in height at maturity.

Tree means a living self-supporting woody or evergreen plant that normally grows to a minimum height of 15 feet, and which has one or several self-supporting stems or trunks and numerous branches.

Xeriscape means 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 mulches, use of low-water demand plants, efficient irrigation practices and appropriate maintenance.

Section 16-15-3. General landscape provisions for all zoning districts.

- (1) All properties within the city shall comply with the general requirements in this subsection regardless of zoning district classification.
- (2) A conforming property at the time of adoption of these regulations shall not be required to be brought into conformance with these regulations, provided that:
 - a. The property shall be subject to enforcement of property maintenance requirements; and
 - b. Any future change to the property as described herein shall require that the property be brought into full conformance with these regulations.
- (3) It is the property owner's obligation to keep all trees, limbs, and other vegetation clear of overhead power lines, utility lines and trafficways.
- (4) Nothing herein shall affect in any way the rights of, or exercise by, any public utility or city department of its present and future acquired rights to clear trees and other growth from lands used by the public utility or city. The utility shall cooperate and coordinate with the property owner when clearing or pruning in the rights-of-way or easements on or adjacent to his property.
- (5) It shall be unlawful for any person, firm or corporation to top any tree. Trees severely damaged by storms or disease, or under utility wires or other obstructions making other pruning practices impractical, may be exempted from this requirement upon review by the city.
- (6) Nothing herein shall permit reduction of the required sight triangles contained in this section and this Code. Plantings within required site triangles shall not exceed a height of 24 inches.
- (7) Hardscape improvements restricted.
 - a. Except as permitted herein, hardscape surface materials, including, but not limited to, concrete, asphalt or other solid surface paving; gravel, chat, or other crushed stone; and paving stones, shall not satisfy landscaped area improvement requirements.
 - b. The public right-of-way shall not be hardscape surfaced, other than a permitted driveway or sidewalk; and these areas shall not be used for parking, including inset parking as defined herein, or display in any zoning district.
- (8) No disturbed ground shall be left exposed. Lawn quality sod and other groundcovers as defined, beds with all planting installed or mulch shall cover all nonpaved and nonbuilt developed areas. No occupancy permit shall be issued for a property until the requirements of this section have been met.

- (9) Lawn quality sod shall be installed, watered and maintained within five days of the removal of a structure from a property unless a building permit has been issued within this period for new construction that occupies the entire parcel.
- (10) Continuing property maintenance. It shall be the responsibility of the property owner(s) to:
 - a. Maintain and keep all sight-proof screening and fencing in good repair at all times;
 - b. Maintain the landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed;
 - c. Remove any storm-destroyed tree within 30 days of a storm occurrence, or any dead tree within 30 days. Nonperformance shall be cause for the city to initiate procedures for removal of such trees in accordance with this Code;
 - d. Replace any planting(s) necessary to meet the requirements for a building permit, that have been removed, are diseased, or no longer living, within one year or in the first planting season, whichever occurs first, except those in naturally occurring dense growths of shrubs or undergrowth that were not disturbed during construction.
 - e. Maintain lawn-quality sod, other ground covers, and/or planting beds with all planting installed and/or mulch on all non-paved and non-built developed areas.

Section 16-15-4. General landscape requirements for multiple-family, and non-residential uses.

All new construction shall include landscaping as an integral part of its design to compliment the natural environment and existing improvements contributing to the quality of life of the community. In particular, all multiple-family, commercial, industrial, church, and institutional uses shall be landscaped with trees, ornamental shrubs, and green areas according to the following standards:

- (1) Required area. The public right-of-way between the property line and the curb and not less than ten percent of the total area of the lot shall be landscaped. At least 75 percent of the required landscape area shall be in the front or side yards and visible from a street providing access to the property. Inner courts not visible from a street shall not be calculated for the purposes of meeting this requirement.
- (2) Landscape plan and materials requirement. For all development other than one- and two-family residential uses, an application for a building permit shall be accompanied by a detailed landscaping plan.
 - a. Said plan shall contain the following at a minimum:
 1. The location and types of all plants.
 2. Provision for a live tree, having a minimum planted height of seven feet, for every 500 square feet of area required to be landscaped.
 3. Artificial grass or any form of synthetic plant is prohibited.
 4. Hardscape, such as rock gardens or sculptures may be approved, but the use of gravel or chat as ground cover shall not meet the requirements of this section.
 5. Identification of sight triangles at intersections and all other elements related to traffic control.
 6. Irrigation system plan and specifications.

- b. The landscape plan shall be reviewed as a part of the building permit review process. No building permit shall be issued until the landscape plan has been reviewed, approved, and made a part of the building permit file.
- (3) Landscaping installation required for occupancy. A certificate of occupancy for a structure or use shall not be issued until landscaping and the irrigation system have been installed in accordance with the filed landscape plan; provided, however, that if a structure and all its site improvements are complete except for the landscaping requirements and the season of the year will not permit planting, temporary occupancy may be permitted until a date certain in the growing season. In this case, a future inspection date shall be set by the city to determine that the landscaping has been installed for issuance of a permanent certificate of occupancy.

Section 16-15-5. Landscaping requirements for all one- and two-family residences.

- (1) Planting plans required. A planting plan shall be required as a part of the following permit applications:
 - a. Building permit application for new construction of individual single-family or two-family homes, including rebuild after a tear down;
 - b. Building permit application for addition to a structure that expands the footprint;
 - c. Addition to or modification of driveways or hardscape on that part of a lot abutting a street right-of-way;
 - d. Rear yard addition as described in subsection (6) of this section.
- (2) Residential planned unit development or development containing two or more single-family homes or duplexes. A landscape plan shall be required for:
 - a. All residential planned unit developments;
 - b. Any development, subdivision plat, or lot split creating building sites for two or more single-family or two-family structures.

Said landscape plan may be divided into a master plan for the total area plus submittal of specific landscape plans for individual properties with the application for a building permit.

- (3) Tree planting requirements. In addition to the requirements contained in this section, one- and two-family residences shall have a minimum of one two-inch caliper tree per lot, and not less than one tree for every 75 feet of street frontage, including the exterior side yard on corner lots. Said trees shall be located in the yard areas immediately abutting the street or streets; or, in the case of the side yard, not screened by a sight-proof fence.
- (4) Front yard landscape area requirements. The area between the curb and the lot line shall be treated as landscape area. No hardscape shall be permitted other than a maximum of two entrance drives and a city-provided sidewalk. A circular drive shall not encroach on the right-of-way except at the two street access points.
- (5) Landscape area requirements for a side yard abutting a street. The area between the curb and the lot line shall be treated as landscape area.
- (6) Landscaping for rear yard structure additions. The property owner of a one- or two-family residence, or his representative, applying for a building permit to construct an accessory

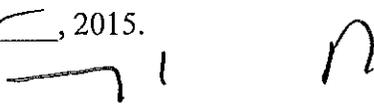
building or house extension in the rear yard that is within public view, shall submit a landscape buffer plan for the area between the structure and the abutting property lines showing landscape treatment of the structure that will mitigate its visual impact on the abutting properties.

Section 16-15-6. Tree Preservation.

Reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed shall be replaced on a one-for-one basis within one (1) year. The location and species of any replacement tree shall be approved by the city. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

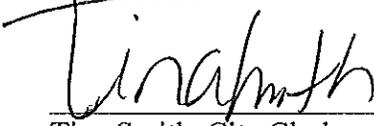
SECTION II. Severability. If any section, subsection, sentence, clause, phase or portion of this ordinance is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining portions of this ordinance.

Adopted and approved this 19th day of October, 2015.



Henry Ross, Mayor

ATTESTED:



Tina Smith, City Clerk