
ARTICLE 8
LANDSCAPING AND BUFFERING

1. General Requirements:

- A. Landscape Plans: Landscape plans shall be sealed by a landscape architect or architect licensed to practice in the State. They shall be processed in accordance with the provisions of the Zoning Regulations.
- B. Site Design Criteria: Proposed landscape plans shall be reviewed for compliance with the standards of this section and for compliance with the following general design principles:
- (1.) All elements of the site plan shall be arranged to create a safe, functional, convenient, healthful, durable and attractive living environment for residents, tenants, workers and occupants of properties.
 - (2.) Environmental features and views shall be preserved to the greatest extent possible through proper site layout and design.
 - (3.) Site grading shall be designed and implemented to retain as much existing tree cover as possible, make use of existing natural drainageways, avoid increased runoff and erosion and provide buffering of objectionable noise and views. The land shall be contoured to transition smoothly and shall enhance the overall site design.
 - (4.) Existing trees, shrubs and ground cover, which will contribute to the living environment, shall be preserved to the greatest extent possible.
 - (5.) Extreme temperature, sunlight, wind and other climatic factors shall be moderated by appropriate site layout and design.
 - (6.) Safe and convenient pedestrian and vehicular circulation shall be provided.
- C. Xeriscape Landscape Techniques: The City encourages the use of Xeriscape landscape practices as a means of minimizing the need for supplemental watering. The following techniques are strongly encouraged:
- (1.) Using plant materials with lower moisture requirements (low water use);

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- (2.) Selecting plants on the basis of specific slope, aspect, soil and microclimate conditions;
 - (3.) Using native and adapted plant species;
 - (4.) Minimizing the amount of irrigated turf area;
 - (5.) Planting and designing slopes to minimize runoff;
 - (6.) Separating irrigation zones according to plants, water requirements and using drip/trickle Irrigation systems to reduce evaporation;
 - (7.) Emphasizing soil improvement by conserving topsoil, deeply loosening soil and incorporating organic matter and amendments based on soil tests; and
 - (8.) Using mulch in planting areas to reduce weed growth, promote soil cooling and reduce evaporation.
- D. Vision Obstructions at Intersections: Comply with the Sight Triangle requirements of Article 5.
- E. Tree and Vegetation Protection: Site plans and plats shall be designed to preserve existing trees and vegetation to the greatest extent possible and shall seek to incorporate existing significant 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 by the developer 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 greatest extent possible.
- (1.) Trees and Vegetation to be Preserved:
 - (a) Plat or Development Plan Review Determination: Where a proposal to remove high quality existing trees and vegetation could be avoided through modification of site layout and design or where proposed tree and vegetation removal would be detrimental to a site's overall appearance, function or environmental condition, the Planning Commission may require preservation of such trees and vegetation. The Planning Commission shall have the authority to review and evaluate the site plan proposal and advise the applicant to proceed forward or seek alternative site designs to insure improved preservation of existing trees.

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- (b) Tree or Vegetation Removal Without Approved Plat or Development Plan: (Reserved for Future Use.)
 - (c) Appeal: The city staff or applicant can request an appeal to the Board of Zoning Appeals.
- (2.) Tree Credits: When existing trees are preserved, tree credits shall be granted and applied in accordance with the following criteria:
- (a) Criteria: The Planning Commission shall have the authority to award tree credits at the time of final site plan approval or plat approval at the time of issuance of a certificate of occupancy, after consideration of the following factors:
 - (i) Health, appearance and desirability of the species in its existing location.
 - (ii) Function of the tree in providing erosion control, shade, wind protection, buffering and aesthetic enhancement.
 - (iii) Ability of the tree to withstand the impacts of construction.
 - (b) Amount of Credit: Trees that meet the Tree Credits Criteria shall be credited as follows:
 - (i) Trees that measure from 2 to 10 inches shall be credited with the equivalent plant unit per type of plant material as defined in the Landscape Materials Standards. Trees that measure greater than 10 inches shall be credited at double the equivalent plant units.
 - (ii) Planning Commission reserves the right to limit the tree credits to less than the required amount of plant units.
 - (c) Application of Tree Credit: The Planning Commission shall determine the Code provisions toward which tree credits may be applied.
- (3.) Required Documentation of Existing Trees:
- (a) Photogrammetric Documentation: Preliminary and final plat applications and conceptual and preliminary development plan applications shall be

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accompanied by plans prepared from aerial photos and on-site verification or from survey, which include identification of trees and significant vegetation, such as that within drainageways and on steep slopes by common names of primary vegetation types. Additionally, trees that are proposed to be removed and which are estimated to be greater than 10-inch caliper shall be identified on the landscape plan by common name. The purpose of this documentation is to allow the planning staff an opportunity to review the impact of the site design against the loss of existing trees.

(b) Tree Survey:

(i) At the time of final landscape plan application, a tree survey which locates, identifies by common name and indicates by caliper size each tree greater than 10-inch caliper may be required by the Planning Commission for all or part of the site being developed. Landscape plans shall clearly indicate, by symbol or other method, which trees are proposed to be saved and which ones are proposed for removal. Exceptions may be permitted by the Planning Commission for trees that will not be removed and will not be adversely affected by the development and for which tree credits are not desired, as long as they are graphically located on the landscape plan based on data from aerial photos and site verification.

(ii) Credits for existing trees will only be considered upon submission of a tree survey that shows the location, identification by common name and caliper size of each existing tree to be saved and for which credit is desired.

(4.) Protection of Existing Trees: Existing trees and vegetation that are to be saved shall be protected from all construction activities, including earthwork operations, movement and storage of equipment and materials and dumping of toxic materials. A minimum protection zone shall be established by the installation of temporary fencing around existing vegetation required to be preserved, placing the fencing no closer to the trees than their drip lines, and this information shown and noted on the landscape plan. Protective fencing shall be maintained throughout the construction period. Alternative protection measures may be approved by the Planning Commission. Construction details that indicate special techniques that will be employed to save trees shall be required for all existing trees for which credit is desired.

F. Installation and Maintenance:

- (1.) Installation: All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape materials, living and non-living, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Occupancy Certificate may be issued prior to installation of required landscaping if written assurances and financial guarantees are submitted and accepted by the City. Planting will take place when planting season arrives.
- (2.) Maintenance: Trees, shrubs, fences, walls and other landscape features depicted on landscape plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the development plan. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:
 - (a) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
 - (b) The repair or replacement of required landscape structure (e.g., walls, fences) to a structurally sound condition;
 - (c) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering required by this section; and
 - (d) Continuous maintenance of the site.
- (3.) Replacement: Required landscaping shall be replaced with equivalent landscaping if it is not living within one year of issuance of a Certificate of Occupancy. Such plant material shall be removed immediately and replaced as soon as weather permits.

2. Landscape and Buffer Requirements: This section sets out the minimum landscaping and buffering requirements for new development within the City of De Soto. Three different types of landscaping/buffering are described in this section: Open Space Landscaping, Parking Lot Landscaping and Right-of-Way and Transition Buffers.

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- A. Exemptions: The following shall be exempt from the standards of this section:
- (1) Single-Family: Single-Family dwelling (attached or detached) on its own lot. This shall not be construed as an exemption for a residential subdivision.
 - (2) Existing Development and Changes in Use: Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity.
 - (3) Development in the Central Business District: Development in the “C-1” district.
 - (4) *Agricultural Development: Agricultural Uses within the “R-A” Rural Agriculture District.*
- B. Open Space Landscaping: The Open Space Landscaping standards shall apply to dedicated open space in all development, with the exception of open space used for active recreation such as sports fields or other recreational uses otherwise paved or surfaced.
- (1) Plant Units Required: At least three plant units shall be provided per each 1,000 square feet of lot area or fraction thereof.
 - (2) Location of Plant Units: Plant units required pursuant to this section shall be installed within the dedicated private or public open space.
- C. Parking Lot Landscaping: These Parking Lot Landscaping standards shall apply to all off-street parking areas containing more than five off-street parking spaces within 100 feet. They shall not apply to Vehicle/Equipment Storage lots, Vehicle and Equipment Sales lots or multi-level parking structures.
- (1) Parking Area Screening: Off-street parking areas shall be screened from view of the public right-of-way and from adjacent lots zoned residential. Screening shall be accomplished by shrubs, earthen berms, walls or any combination of such materials. Required screens shall be located within a landscape buffer strip with a minimum width of five feet. At least 60 plant units shall be provided within the required buffer strip for each 100 linear feet of buffer strip. Plant units shall not be required if an earthen berm or wall design is approved. Parking area screening shall be designed to obscure views of parked cars from off-site. Landscaping provided to satisfy Right-of-Way and Transition Buffer standards shall count toward these Parking Area Screening standards.
 - (2) Interior Area: The following requirements shall apply to the interior of off-street parking areas. Landscaping provided to meet the Open Space, Parking Area Screening, Right-of-Way and Transition Buffer or other landscaping standards of this section shall

not be counted towards meeting a project's Parking Lot (Interior Area) Landscaping requirements.

Benefits of interior landscaping include the addition of color and interest, relief from rows of parked cars and asphalt, shade and windbreaks, and assist with vehicular circulation.

Parking lot perimeters are not included in the calculations of the interior planting area. The required area of landscaping shall be determined per the following table. Landscaped areas outside the parking lot may not be used to meet the interior planting requirements.

Landscaping Required by Percent of Total Parking Area			
Total Parking Area (in square feet)	7,000 to 49,000	50,000 to 149,000	150,000 and over
Percent to be Landscaped	10%	14%	18%

The percentage shown may be accomplished through planting islands, landscaping between the parking lot and the building, and/or an addition to the setback. If landscaping is located within islands such islands shall be a minimum of 8'-6" wide. Landscaping between the parking lot and the building shall be a minimum of 10 feet deep. (See Article 11, Section 7, Development Standards.)

A deciduous tree and 15 additional plant units are required for every 400 square feet of planting area. For purpose of safety and visibility, trees must have a clear trunk at least 6 feet above finish grade. Evergreen shrubs a maximum of 30" high are recommended below the required deciduous trees.

- (3.) Location: Parking Lot Landscaping shall be reasonably dispersed throughout off-street parking areas.
- (4.) Planting Areas. The interior dimensions of any planting area used to satisfy Parking Lot Landscaping standards shall be sufficient to protect plant materials and to ensure property growth. Planting areas that contain trees shall be at least 8'6" wide, and all planting areas shall be protected by raised curbs to prevent damage by vehicles and vehicle overhang.

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- D. Right-of-Way and Transition Buffers: The Right-of-Way and Transition Buffer standards of this section require landscape buffers to be provided and maintained when certain land uses are adjacent to one another or when adjacent to certain roadway types. The standards are intended to help ease the land use transition between areas of varying development intensity, to ensure land use compatibility, and preserve the appearance of roadway areas.
- (1.) Determination of Right-of-Way and Transition Buffer Requirements: The following procedures shall be followed in determining the type of buffer required.
- (a) Identify the minimum zoning district required to accommodate the proposed use. This is the “Proposed Development/Zoning” classification of Column 1. (See Right-of-Way and Transition Buffer table.)
 - (b) Identify the actual zoning district of the abutting site(s). This is the “Adjacent Development/Zoning” classification of Right-of-Way and Transition Buffer table.
 - (c) Identify the classification of the roadway adjacent to the site of the proposed development. This is the “Adjacent Street” classification of Right-of-Way and Transition Buffer table.
 - (d) Determine the type of buffer required on each building site boundary (or portion thereof) by cross-referencing the “Proposed Development Zoning”, Right-of-Way with the “Adjacent Development Zoning” and “Adjacent Street” columns in the Right-of-Way and Transition Buffer table, (for example, a proposed “R-1” development abutting an “R-3” district is required to install a buffer type “B”).
 - (e) Refer to Description of Buffer Types and Options and select the desired landscaped buffer option from those set forth in that section. Any of the listed options, at the option of applicant, may be used to satisfy Right-of-Way and Transition Buffer requirements.

RIGHT-OF-WAY AND TRANSITION BUFFER									
Proposed Development Zoning	Adjacent Development/Zoning						Adjacent Street		
	"R-A" "R-0"	"R-1", "R-1A", "R-2", "R-H"	"R-3"	"C-1"*	"M-1", "C-2", "O-I"	"M-2"	K-10	Arterial	Collector/ Local
"R-A", "R-0"	-	--	B	D	E	E	S3	--	--
"R-H", "R-1", "R-1A", "R-2"	-	A**	B	D	E	E	S3	S2	S1
"R-3"	B	C	--	C	D	E	S3	S2	S1
"C-1"*	-	--	--	--	--	--	--	--	--
"M-1", "C-2", "O-I"	E	E	D	C	--	B	S3	S2	S1
"M-2"	E	E	E	C	C	--	S3	S2	S1

* "C-1" District Exempted.

** Except against like zoning.

(Ord. 2017, 2237)

(2.) Description of Buffer Types and Options:

Buffer Type "A"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
10	50	Large Deciduous/ Evergreen trees.
15	40	Large Deciduous/ Evergreen trees.
20	30	Large Deciduous/ Small Deciduous or Ornamental.

Buffer Type "B"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
7	60	Small Evergreen Trees
15	40	Conifers/Evergreens/ Evergreen Shrubs
20	30	Conifers/Evergreens/ Evergreen Shrubs

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Buffer Type “C”

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
15	120	Small Evergreen Trees
25	100	Conifers/Evergreens/ Evergreen Shrubs
35	70	Conifers/Evergreens/ Evergreen Shrubs

Buffer Type “D”

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material*
20	160	Fence/Wall or Berm + Large Deciduous/ Evergreen Trees
30	140	Conifers/Evergreens/ Evergreen Shrubs
40	100	Conifers/Evergreens/ Evergreen Shrubs

* Fence wall or berm requirements may be waived when abutting a site with existing fence wall or berm meeting the requirements of this article.

Buffer Type “E”

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material*
20	300	Fence/Wall or Berm + Large Deciduous/ Evergreen Trees
30	240	Fence/Wall or Berm + Large Deciduous/ Evergreen Trees
40	200	Large Deciduous/ Evergreen Trees

* Fence wall or berm requirements may be waived when abutting a site with existing fence wall or berm meeting the requirements of this article.

Adjacent Street Buffers

Buffer Type	Buffer Width	Plant Material
S1	15'	1 Large Deciduous per 40'
S2	15'	1 Large Deciduous per 40' + 30 units per 100' of frontage
S3	40'	100 units per 100' of frontage

- (3.) Location of Buffers: Right-of-way and Transition Buffers shall be required to be located along those portions of a site that are adjacent to public rights-of-way and along those portions adjoining lots with a different zoning classification. In the case of modifications or additions to an existing building or site, buffers shall only be required along those portions of the site that are directly affected by the proposed improvements, as determined by the Planning Commission. Buffers may be planted in the right-of-way if the following conditions are met:
- (a) The planning commission must approve plant material location. This approval will be based upon analysis of potential conflict between the roots of the material to be planted, and the utilities in the right-of-way and the location of infrastructure.
 - (b) Plantings shall not be located in the sight triangle.
- (4.) Use of Buffers: Required buffers shall be reserved solely for screening and landscaping. No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a required buffer, provided that driveways or roads may cross required buffer if necessary to provide access to the building site. Sidewalks and pedestrian paths may also be located within required buffers.
- (5.) Responsibility for Installing Buffers: The developing property shall always be responsible for providing required buffers. If, however, the developing site is adjacent to an undeveloped site which has a more intensive zoning classification, the developing site shall have the option of installing 50% of the required improvements pursuant to the acceptance of an assurance that the remaining improvements shall be completed upon development of the site. Such assurance must be approved by City Council following recommendation from the Planning Commission.

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- E. Site Feature Buffering and Screening: Site features, such as but not limited to the following, shall be effectively screened from the view of roadways and adjacent sites by berms, fences, walls and/or plant material.
- (1.) Permitted Outdoor Storage: Outdoor storage areas that are permitted by this Code shall be screened from view by privacy fences or walls with a minimum height of 6 feet in accordance with the fence regulations of this code. Non-opaque fencing, such as chain-link, may be used to satisfy the requirements of this section if sufficient plant material is provided to effectively screen the storage area from view. Decorative, non-opaque fencing, used in conjunction with a masonry wall, may be used to satisfy the requirements of this section if the Planning Commission determines that the intent of this section will be met.
 - (2.) Service and Loading Areas: When a transition buffer is required between a service area and adjacent property by the provisions of Right-of-Way and Transition Buffer table (Transition Buffers), those transition buffer standards shall satisfy the screening requirements of this subsection. If no transition buffer is required between a service area and adjacent property, the service area shall be effectively screened from view of the adjacent property by berms, fences, walls, and/or plant materials.
 - (3.) Ground-Mounted Utility Boxes, Meters and Mechanical Equipment: Ground-mounted utility boxes and meters shall be effectively screened from view by the use of plant materials or durable enclosures that are designed to integrate in appearance with the site and site structures and to be compatible in material and color with the principal structures on the lot. This standard shall not apply to ground-mounted mechanical units, utility boxes and meters located in agriculture and single-family residential zoning districts.
 - (4.) Dumpster Enclosure and Improvements:
 - (a) The enclosure should be shielded on three sides by a wall or decorative fence and positioned in such a manner to shield the refuse bins from sight of any public thoroughfare or adjoining property. When decorative fence is used the corner post should be made of steel pipe with a 4 inch minimum diameter and filled with concrete.

3. Landscaping Material Standards:

- A. Plant Units: Many of the landscaping standards of this section are expressed in terms of the number of “plant Units” required. The following table provides a breakdown of plant unit equivalencies.

Type of Plant Material	Equivalent Plant Units
Medium or Large Deciduous Tree	10
Small Deciduous or Ornamental Tree	5
Conifer or Upright Evergreen	7
Shrub	1

B. Sizes:

- (1) Medium and Large Deciduous Trees: Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum caliper (diameter) of two inches, measured at a point that is at least six inches above ground level.
- (2) Small Deciduous or Ornamental Trees: Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet.
- (3) Conifers: Conifers planted to satisfy the standards of this section shall have a minimum height of six feet.
- (4) Upright Evergreens: Upright evergreens planted to satisfy the standards of this section shall have a minimum height of six feet.
- (5) Shrubs (Deciduous and Conifer): Shrubs may be of a size determined by the applicant, unless otherwise indicated by other sections of this ordinance code. In no case shall the minimum container size for shrubs be less than one gallon.
- (6) Ground Treatment: The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably

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complete coverage upon planting. The following standards shall apply to the design of ground treatment:

- (a) Ground Cover: Ground cover appropriate for the area may be planted in lieu of turf grass. Ground cover shall be a size and spacing to provide a minimum of 50 percent coverage after the first full growing season and complete coverage at maturity. Edging shall be provided for all ground cover.
 - (b) Mulch: Mulch shall be installed and maintained at a minimum depth of three inches on all planted areas except where ground cover plants are fully established. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate.
 - (c) Grass Seed and Sod: Turf areas shall be planted with species suitable as permanent lawns in De Soto. Turf areas shall be sodded or seeded. In areas where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season.
- (7.) Use of Existing Plant Material: Vegetation and plant material that exists on a site prior to its development may be used to satisfy the landscaping standards of this section provided that it meets the size, variety and locational requirements of this section.
- C. Plant Quality: Plants installed to satisfy the requirements of this section shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown and adapted to the local area.
- D. Artificial Plants: No artificial plants or vegetation shall be used to meet any standards of this section.
- E. Trees Required: Where required or permitted, trees shall be of ornamental, evergreen, or of the large deciduous types, such as oak, maple, ash, hickory, or thornless honey locust.
- (1.) Prohibited: The following trees shall be prohibited and shall not be used to satisfy the landscaping or buffering standards of this section: box elder, soft maple, hackberry, American elm, poplar ailanthus (tree of heaven), willow or mimosa.

- (2.) Species Mix: When more than ten trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted in accordance with the following requirements:

Required Number of Trees	Minimum Number of Species
11-20	2
21-30	3
31-40	4
41+	5

- (3.) Street Trees: Street trees shall be provided, per the “Adjacent Street” right-of-way buffer requirements of the Right-of-Way and Transition Buffer table.

- (a) Placement: Required materials shall be installed within a landscape easement inside the required front or any side yard abutting street right-of-way per the Landscape and Buffer Requirements. The proposed location of street trees shall be shown on the landscape plan. Trees should be placed at fairly even intervals to create a uniform “street tree” appearance along the street frontage. While the intent is to space the “street trees” a maximum of every 40 feet, there will be a need to vary from this requirement due to factors such as the location of utilities and driveways and intersection visibility requirements.
- (b) Tree Selection: The Planning Commission shall have final approval of the types of “street tree” species used with allowance made for input from the applicant/property owner.
- (c) Tree Selection: Trees shall generally be medium to large deciduous trees that have appropriate growth characteristics and are able to withstand the street-side environment. Proposed street trees shall be compatible with existing area street trees and are subject to approval of the Planning Director or Planning Commission. Evergreen trees may be approved by the Planning Director of Planning Commission if appropriate to the overall site design concept as well as existing area street-side plantings and if there is adequate planting area.

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(4.) Design and Use of Transition Buffers:

- (a) Walls and Fences: Wall or fence shall be six feet high. The use of high quality wood privacy fences, particularly those incorporating brick, rock or wrought-iron elements, and masonry walls is encouraged in transition buffer designs. The maintenance of such structures shall be governed by the Installation and Maintenance regulations of this article.
- (b) Berms: Berms shall be five foot high with a maximum of 3:1 slope. The use of well-designed berms is encouraged in transition buffer designs, although due to topographic constraints and the existence of vegetation, berms may not be desirable for portions of a transition buffer. When used, berms should be designed to integrate with the natural topography of the site.
- (c) Compatibility of Landscape Materials: Supplemental buffer plantings shall be compatible with the existing vegetation within the buffer area.
- (d) Trails: Transition buffers may contain pedestrian, equestrian or bike trails, provided that the total width of the bufferyard is maintained. In no event shall structures or uses, such as, but not limited to, playfields, stables, swimming pools, golf courses, tennis courts, parking lots and vehicular use areas, equipment storage and other open storage, buildings or overhangs, be permitted within transition buffers.
- (e) Storm Water Retention/Detention Facilities: The placement of storm water retention/detention facilities in transition buffers is discouraged.

4. City's Maintenance And Removal Authority:

- A. Maintenance: The City shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the landscape easement along all streets, alleys, avenues and lanes or within public grounds, parks and rights of way as may be necessary to ensure public safety or to preserve the symmetry and beauty of public property. The City shall also have the authority to prune, maintain and remove trees, plants and shrubs located upon private property which cause an obstruction to public travel along streets and sidewalks or impair vision of traffic signals or prevent the proper sight distance at intersections or in any other way create a public hazard.
- B. Removal: The City shall have the right to cause removal of any dead or diseased trees, plants or shrubs on private property within the city, when such trees, plants and shrubs constitute a

hazard to life and property or harbor insects or disease which constitute a potential threat to other trees, plants or shrubs within the City. The City Administrator or any authorized representative will notify, in writing, the owners of such trees. Removal shall be done by said owners at their own expense within 30 days after date of service of notice. In the event of failure of owners to comply with such provisions, the City shall have the authority to remove such trees and charge the cost of removal on the owner's property tax notice.

- C. **Maintenance Guarantee:** As a condition of issuance of the final certificate of occupancy, the applicant shall provide a maintenance guarantee to assure that all required landscape improvements shall be maintained for a period of one year from the time of installation. The guarantee shall comply with the following requirements:
- (1.) **Form:** A maintenance guarantee form shall be obtained from the City Clerk and signed by the owner of the property.
 - (2.) **Inspection:** The owner of the property shall provide the City with signed, notarized, irrevocable license to run with the property to allow the employees, agents or contractors of the City to enter the subject property for the purpose of inspecting the landscaping and, if necessary, replacing unhealthy or dead landscape materials.
 - (3.) **Notification of Maintenance Noncompliance:** If the City Administrator or any authorized representative determines that the landscaping has not been maintained in compliance with this section, the applicant shall be notified. The notice shall state:
 - (a) The work that must be done or the improvement that must be made to comply with the requirements of the maintenance guarantee; and
 - (b) The amount of time the applicant has to commence and complete the required landscape work or improvements; and
 - (c) That, if the work or improvements are not commenced and completed within the time specified, the City will take enforcement action pursuant to Article 15 of this Ordinance.
- D. **Substitution of Plant Materials:** The City Administrator or authorized representative shall have the authority to approve the installation of comparable substitute plant materials to satisfy the requirements of the approved landscape plan when the approved plants and landscape materials are not available at the time that installation is to occur or when other unforeseen conditions prevent the use of the exact materials shown on the approved landscape plan. Significant

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changes to landscape plans that have been approved by the Planning Commission shall be subject to review and approval of the Planning Commission.

E. Temporary Suspension of Landscape Standards: The installation of landscaping required by this section may be temporarily suspended, in individual cases, by the City Administrator or authorized representative during periods of adverse weather conditions or when plants and landscape materials are not available. If the landscape standards of this section are suspended, the City Administrator or authorized representative shall enter into an agreement with the landowner that will allow issuance of a temporary certificate of occupancy.

5. Alternative Compliance: Applicants shall be entitled to demonstrate that the intent of the Landscaping and Buffer requirements of this section can be more effectively met, in whole or in part, through alternative means. If approved, an Alternative Compliance Landscape Plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of the following:

A. Procedure: Alternative Compliance Landscape Plans shall be prepared and submitted for Planning Commission approval. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and the plan shall clearly delineate and identify the modifications and alternatives proposed.

B. Review Criteria: In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and landscape plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a finding that any of the following circumstances exist on the proposed building site or surrounding properties:

- (1.) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section;
- (2.) Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffer standards of this section;
- (3.) The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
- (4.) The proposed alternative represents a landscape plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.