

DRAFT

Landscape Code

City of Tontitown

DRAFT

3-4-2021

153.212 LANDSCAPING, SCREENING, FENCING, AND BUFFERING.

(A) *Purpose.* The purpose of this section is to ensure a minimum of open space and green area as an integral part of new development and to protect the health and welfare of its citizens through the regulation of landscaping of new residential, multi-family residential, commercial, and industrial developments.

- (1) Landscaping enhances the environmental and visual character of the community.
- (2) Green space requirements preserve and stabilize the area's ecological balance by establishing a healthier environment.
- (3) Green areas help to mitigate the negative effects of air and noise pollution by using plants as buffers, and slow and reduce storm water runoff.
- (4) Fencing and landscaping provides visual screening and buffering, and screens between incompatible land uses.
- (5) Landscaping enhances parking lots.
- (6) Greenspace requirements can establish parks and other outdoor amenities for the citizens of the city.

(B) *Objectives.* Landscaping and screening should be an integral part of a development. This section is designed to promote high quality developments, protect property values and public investment in our community. Objectives of this section include, but are not limited to, the following:

- (1) To moderate the effects of the sun, wind, and temperature changes;
- (2) To filter pollutants from the air and release oxygen;
- (3) To stabilize soil and prevent erosion;
- (4) To encourage preservation of desirable trees; and
- (5) To provide buffering between different uses and developments.

(C) *Applicability.* The requirements of this section shall apply to:

- (1) New developments. All new public, private, and institutional developments;
- (2) New parking lots or the expansion of existing parking lots in any zone which increases the parking to 60 or more spaces, or to parking lots with fewer than 60 spaces, when the Planning Board deems necessary for improved control and safety of pedestrians; and
- (3) Additions. All additions to existing buildings.

(D) *Exemptions.*

(1) Any individual who purchases, builds, or remodels a single-family home located in any zoning district is exempt from all requirements of this section.

(2) *Existing development; changes in use.* Improvements or repairs to existing developments that do not result in an increase in floor area, and changes in use that do not result in an increase in intensity, shall also be exempt from all standards of this section.

(E) *General provisions.*

(1) *Sight distances.* Safe sight distances at intersections and points of access must be maintained. No landscaping shall constitute a hazard to traffic, including, but not limited to, landscaping located within the sight triangle of an intersection.

(2) *Replacement.* Vegetation planted or preserved according to an approved plan shall remain alive for a minimum of three years from the date of certificate of occupancy. Vegetation that is planted or preserved that does not remain alive for three years shall be replaced with equivalent vegetation. Preserved trees for which credit was awarded, but which subsequently die, shall be replaced according to the Tree Preservation Credits Table.

(3) *Irrigation.* Required landscaping shall be irrigated by one of the following methods:

- (a) Underground sprinkler system;
- (b) Automatic drip system; or
- (c) Hose bib attachment within 100 feet of all landscaped areas.

(4) *Artificial plants.* No artificial plants or vegetation shall be used to meet any standards of this section, unless expressly approved by the Planning Board.

(5) Street trees are the only required landscaping that may be planted in the right-of-way.

(6) *Planting areas.* Planting areas that contain trees shall be at least seven feet wide and protected by raised curbs to prevent damage by vehicles when in or adjacent to parking or drive aisles, unless shown otherwise in the adopted street section.

(7) *Dumpster screening.* Dumpsters located in any district shall be completely screened from view on all sides by a fence or wall with a minimum height of six feet, or one foot taller than the dumpster, whichever is greater. The fence or wall shall provide complete visual screening of the dumpster from all sides, and be compatible in material and color with the principal structure on the lot. All dumpsters shall have a secured top to prevent materials from blowing out.

(F) *Landscape plans.*

(1) The landscaping plan is required to address the following requirements:

- (a) Street trees;

- (b) Landscape street frontage buffer;
- (c) Interior parking lot landscaping; and
- (d) Perimeter landscaping.

(2) The following information is required on landscape plans and shall be completed by a landscape architect or landscape professional in order for staff to review for compliance:

(a) *Existing vegetation.* Location, general type and quality of existing vegetation, including trees on site;

(b) *Preservation.* Existing vegetation to be saved;

(c) *Protection.* Methods and details for protecting existing vegetation during construction and approved sediment control plan;

(d) *Proposed plants.* Location and labels for all proposed plants;

(e) *Landscape details.* Plant list with botanical and common names, quantity, spacing, and size of all proposed landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

(f) *Installation details.* Planning and installation details as necessary to ensure conformance with all required standards;

(g) *Sight triangle.* The sight triangle shall be indicated on the plan with dimensioned shaded area;

(h) *Irrigation.* The plans shall indicate the type of irrigation to be used. If a hose bib is proposed, the location shall be shown on the plan.

(i) *Three-year guarantee.* Guarantee from the developer that all plant materials will be warranted for a period of three years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

(G) *Street trees.* Per the adopted street sections, street trees may be required within the greenspace between the road and sidewalk. Street trees are the only landscaping that may be planted in the right-of-way. Street trees shall be optional for Local Streets. Street trees shall be required for Collector, Minor Arterial, and Arterial streets per the adopted street sections.

(1) *Purpose.* Street trees provide a key piece to complete streets along with sidewalks, trails, and appropriate pedestrian connections. They help shape and define street corridors.

(2) *Minimum trees required.* One street tree for every 50 linear feet is required. Variations in spacing are allowable to accommodate driveways or on-street parking. Street trees shall generally be centered in the greenspace between the sidewalk and the curb.

(H) Residential Subdivision Landscape Standards.

(1) *Applicability.* Required for newly constructed single-family and duplex residential subdivisions.

(a) Residential Large-Scale Developments shall follow the requirements for “multi-family residential” per this code section.

(2) One (1) shade tree per unit shall be placed in the front yard area of each lot. (i.e. single-family lots require one (1) shade tree to be placed, but duplex lots require two (2) shade trees to be placed)

(3) Minimum tree caliper size shall be two (2) inches. Caliper is defined as the measurement of the diameter of the trunk six (6) inches above ground level for trees up to four (4) inches in caliper size. Existing trees may be credited.

(4) Final occupancy permits may be held for those who fail to complete landscape requirements.

(l) *Landscaped street frontage buffer.* The street frontage buffer is the planting area parallel to the public street right-of-way.

(1) *Purpose.* The landscaped street frontage buffer serves one primary purpose: it provides an aesthetically pleasing transition from the public right-of-way to private property.

(2) *Prohibitions.* Parking, merchandise display, and off-street loading are prohibited in the landscaped street frontage buffer.

(3) *Exemptions.* Single-family and duplex residential subdivisions (designed with no more than one structure per lot) are not required to provide a landscaped street frontage buffer.

(4) *Buffer options: commercial/institutional.* The site plan for any development, other than a development that is exempt, shall show a landscaped street frontage buffer along all public rights-of-way. The applicant may choose a combination of options below.

(a) Ten-foot buffer strip; minimum 10 feet wide.

1. *Minimum number of shrubs.* Five shrubs/small trees per 30 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

2. Sight visibility must be maintained.

(b) *Earth berm.*

1. *Minimum height.* Two and one-half feet higher than the finished elevation of the parking lot.

2. *Minimum number of shrubs/small trees.* Three shrubs/small trees per 30 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

3. Sight visibility must be maintained.

(5) *Buffer options: multi-family residential.* Multi-family residential developments shall be required to have perimeter fencing for the entire development.

(a) A perimeter fence shall be provided between the development and other uses in order to provide privacy and separation. This must be approved with the development plan and shall conform to all fence regulations.

(b) *Vehicular access.* The perimeter fencing requirement does not preclude the need for vehicular access to be provided for future connectivity.

(c) A decorative fence shall be required along public streets that are classified as collectors or above. This shall consist of a durable (not a wood privacy fence) material. Wrought iron fencing is preferred. Additionally, this fence shall be planted with a minimum of five small trees per 30 linear feet of street frontage within a minimum ten-foot buffer strip. All plant material shall be evergreen. Preference for grouping.

(d) Different phases of the same development are not required to be separated.

(e) Sight visibility must be maintained.

(6) *Buffer options: industrial.* The site plan for any development, other than a development that is exempt, shall show a landscaped street frontage buffer along all public rights-of-way. The applicant may choose a combination of options below.

(a) Ten-foot buffer strip; minimum ten feet wide.

1. *Minimum number of shrubs.* Five shrubs/small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

2. Sight visibility must be maintained.

(b) *Earth berm.*

1. *Minimum height.* Two and one-half feet higher than the finished elevation of the parking lot.

2. *Minimum number of shrubs/small trees.* Three shrubs/small trees per 50 linear feet of street frontage. A minimum of 50% of shrubs/small trees shall be evergreen. Preference for grouping.

3. Sight visibility must be maintained.

(J) *Interior parking lot landscaping.* Interior parking lot landscaping is the planting area within and adjacent to parking areas.

(1) *Purpose.* The interior parking lot landscaping:

(a) Provides necessary green space to give relief to expansive parking areas with nothing but asphalt;

(b) Trees provide shade and serve as windbreaks; and

(c) Planting islands assist with vehicular circulation.

(2) *Applicability.* Interior parking lot landscaping requirements apply to new parking lots or the expansion of existing parking lots in any zone which increases the parking to 60 or more spaces, or to parking lots with fewer than 60 spaces, when the Planning Board deems necessary for improved control and safety of pedestrians.

(3) *Exemptions.* Parking lot landscaping shall not apply to multi-level parking structures, or areas devoted to drive-thru lanes.

(4) *Requirements.* The site plan shall show interior parking lot landscaping. Planting islands are required for every 15 parking spaces.

(a) The minimum dimensions of a planting island are 9 feet by 18 feet and must be curbed to protect plantings. Each island shall have a minimum of two small trees or one large tree.

(b) *Groundcover.* All interior parking lot landscaped areas shall be landscaped with groundcover.

1. Living materials such as grass/other vegetation shall make up 60% of the groundcover for the interior parking lot landscaping.

2. Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

3. Non-organic material may be approved if the parking lot landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(5) *Vehicle and equipment sales lots or storage areas.* Applicants shall select one of the following options for vehicular and equipment sales lots or storage areas.

(a) *Compliance with standard.* Comply with the interior parking lot landscaping requirements and the required street frontage requirements.

(b) *Increase street frontage buffer.* In lieu of the interior parking lot landscaping requirements, increase the required street frontage buffer to 15 feet wide and install the number of trees required for the interior landscape requirements within the street frontage buffer.

(K) *Interior site landscaping.* Interior site landscaping is immediately adjacent to the front of buildings.

(1) *Purpose.* The interior parking lot landscaping:

(a) Provides necessary green space to enhance and soften the transition from parking lot to the building; and

(b) Provides pedestrian friendly spaces.

(2) *Exemptions.* Single-family and duplex residential subdivisions (designed with no more than one structure per lot) are not required to provide interior site landscaping.

(3) *Commercial and institutional: interior site landscaping.* Shrubs, perennial plants, or other vegetation in curbed planting beds or raised planters to span a minimum of 25% of the building frontage. Planters are encouraged be arranged to create outdoor seating opportunities. At least one large tree or two small trees per unit/suite is required.

(a) Living materials shall make up 80% of the curbed planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(4) *Multi-family residential: interior site landscaping.* A minimum of seven shrubs, perennial plants, or other vegetation in planting beds or raised planters per unit are required. Planters are encouraged be arranged to create outdoor seating opportunities. At least one large tree or two small trees per every 10 units is required. Grouping is preferred.

(a) Living materials shall make up 80% of the planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(5) *Industrial: interior site landscaping.* Shrubs, perennial plants, or other vegetation in planting beds to span a minimum of 15% of the building frontage. At least one large tree or two small trees shall be required every 200 linear feet within the planting beds.

(a) Living materials shall make up 80% of the curbed planting beds or raised planters.

(b) Non-living material shall be organic (mulch or other), and shall make up the remainder of the groundcover.

(c) Non-organic material may be approved if the building landscape functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(L) *Landscaped perimeter buffer.* Perimeter landscaping is a peripheral planting strip along rear and side lot lines that separates uses.

(1) *Purpose.* Perimeter landscaping:

(a) Defines parking areas;

(b) Prevents two adjacent lots from becoming one large expanse of pavement;

(c) Provides protection for residential uses and other marginally compatible uses;

(d) Provides vegetation in densely developed areas; and

(e) Enhances the appearance of individual properties.

(2) *Requirements.* The site plan for any development shall show perimeter landscaping in addition to the landscaped street frontage buffer required.

(a) *Width.* A five-foot landscaped strip is required along the side and rear lots lines of a development.

(b) *Minimum number of trees.* One large tree or two small trees per every 50 feet.

(c) *Groundcover.* All perimeter landscaped areas not dedicated to preservation of existing vegetation shall be landscaped with groundcover.

1. Living materials such as grass/other vegetation shall make up 60% of the groundcover for the perimeter landscaping.

2. Non-living material shall be organic (mulch or other) and shall make up the remainder of the groundcover.

3. Non-organic material may be approved if the perimeter landscaping area functions as a bioswale. Any adjustments shall be approved by the Planning Board.

(3) *Vehicular access.* The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.

(4) *Adjacent properties.* The five-foot perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.

(5) *Pavement.* No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location.

(6) *Special standards: commercial/institutional.* When located adjacent to and within 200' visible from a residential use, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.

(a) *Physical barrier.* A physical barrier shall be required that shall be a minimum of six feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.

(b) Trees and shrubs shall be placed in front of the barrier (on the developing side) to reduce parking lot noise.

(c) Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.

(d) At least 50% of the trees and shrubs shall be evergreen.

(e) *Tree preservation.* Existing healthy trees (as detailed in division (M)) may be included as a portion of the landscaped screening.

(f) If a large buffer is retained, these standards may be reduced based on expected reduction of impact. The Planning Board shall approve any reduction.

(7) *Special Standards: industrial.* In addition to the standard required for commercial/institutional, when located adjacent to and within 200' from a residential use, increased landscaping standards shall be applied to reduce noise and light glare and to ensure residents' privacy.

(a) Physical barrier. A physical barrier shall be required that shall be a minimum of eight (8) feet in height and may consist of wood or masonry fencing, rock or brick walls, berms, or a combination of these methods.

(b) Trees and shrubs shall be placed in front of the barrier (on the developing side) to reduce parking lot noise.

(c) Trees and shrubs planted shall provide 60% coverage of the physical barrier within two years.

(d) At least 50% of the trees and shrubs shall be evergreen.

(e) Tree preservation. Existing healthy trees (as detailed in division (M)) may be included as a portion of the landscaped screening.

(f) If a large buffer is retained, these standards may be reduced based on expected reduction of impact. The Planning Commission shall approve any reduction."

(M) *Landscape installation requirements.* All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All plants shall be nursery grown and adapted to the local area. All landscape material, both living and non-living, shall be in place prior to issuance of a final certificate of occupancy. A temporary certificate of occupancy may be issued prior to installation of required landscaping if binding, written assurances are submitted, insuring that planting will take place when planting season arrives.

(1) *Location.*

(a) *Drainage.* Trees shall not be placed where they interfere with site drainage.

(b) *Overhead utilities.*

1. Trees shall not be placed where they require frequent pruning in order to avoid inference with overhead power lines. In such locations, small ornamental trees are encouraged. Every effort shall be made to avoid placing trees directly under overhead utilities.

2. *Substitution of large trees.* Where large trees are required, and placement under or near overhead utilities is necessary to meet the landscaping requirements, two small trees may be used to substitute for one required large tree.

(c) *Underground utilities.* Landscaping shall be installed at locations that avoid placement directly above water lines. Where possible, tree plantings shall be located a minimum of five feet from all underground utilities.

(d) *Fire hydrants.* Landscaping shall not be placed within five feet of a fire hydrant.

(e) *Right-of-way.* Trees are required to be placed in the right-of-way per the adopted street sections, with the exception of Local Streets. Local streets may choose to place street trees if desired. When street trees are required, they shall be centered within the greenspace between the road and sidewalk.

(2) *Minimum size.* Upon planting, plant material shall meet the following minimum requirements.

(a) *Shrubs.* Shrubs planted to satisfy the standards of this section shall be a minimum of three gallons in size.

(b) *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, and a minimum caliper of one and one-half inches.

(c) *Conifers or evergreens.* Conifers or upright evergreen trees planted to satisfy the standards of this section shall have a minimum height, after planting, of six feet.

(d) *Medium and large deciduous trees.* Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum height of eight feet, and a minimum diameter of three inches, measured at a point that is at least four feet above existing grade level.

(e) *Use of existing plant material.* Trees that exist on a site, prior to its development, may be used in part to satisfy the landscaping standards of this section provided they meet the size, variety, and location requirements of this section.

(3) *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. For each ten, or fraction thereof, another differing species shall be used.

(N) *Tree preservation credits.* Whenever possible, existing trees, especially those with an 8-inch or greater DBH (diameter at breast height), should be preserved. Established trees with existing canopy benefit the city and enhance the quality of life for citizens.

(1) *Healthy trees.*

(a) No tree preservation credits will be allowed for any dead tree, any tree in poor health, or any tree subjected to grade alterations. Trees shall be a minimum four-inch caliper to be counted towards tree preservation.

(b) *Protection during construction.* Trees for which credit is given shall be protected during construction from:

1. Mechanical injuries to root, trunk, and branches;
2. Injuries by chemical poisoning;
3. Injuries by excavation; and
4. Injuries by paving.

(2) *Credit options.* If an applicant is preserving trees, he may use the existing trees as credit either toward a reduction in parking requirements or in a reduction of the number of trees required, as described below and as approved by the Planning Board.

(a) *Reduction of parking requirements.* To allow an existing or new development to preserve trees within or adjacent to a parking lot, the number or required off-street parking spaces may be reduced as described below:

1. Total diameter of all preserved trees from 4 to 7.9 inches allows the reduction of one required parking space;
2. Total diameter of all preserved trees from 8 to 22.9 inches allows the reduction of two required parking spaces;
3. Total diameter of all preserved trees from 23 to 29.9 inches allows the reduction of three required parking spaces; and
4. Total diameter of all preserved trees 30 inches and larger allows the reduction of four required parking spaces.

(b) *Reduction of required trees.*

1. Not to include a reduction to required street trees.
2. Not to include a reduction to trees intended as a buffer for a residential use, or a marginally compatible use, unless the protected trees are existing within a preserved buffer area.
3. Preservation and protection of existing trees on the lot may be credited toward the tree planting requirements. Credit for preserved trees shall be permitted at the following rates:
 - A. Total diameter of the preserved tree from 4 to 7.9 inches allows the reduction of one required large tree;
 - B. Total diameter of the preserved tree from 8 to 22.9 inches allows the reduction of two required large trees;
 - C. Total diameter of the preserved tree from 23 to 29.9 inches allows the reduction of three required large trees; and
 - D. Total diameter of the preserved tree 30 inches or greater allows the reduction of four required large trees.

(3) *Additional development.* If a natural area is left undeveloped in order to fulfill these credit options, that is then to be developed, all credits will be revoked; the developer is responsible for adding trees to replace those for which credit was given.

(O) *Maintenance and replacement.* Trees, shrubs, fences, walls, and other landscape features (which includes screening) depicted on plans approved by the city shall be considered as elements of the project in the same manner as parking, building materials, and other details of the plan are considered elements. The landowner or

successors in interest, or agents, if any, shall be jointly and severally responsible for the following:

(1) 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;

(2) The repair or replacement of required landscape structures (for example, fences and walls) to a structurally sound condition;

(3) The regular maintenance, repair, or replacement, where necessary, of any landscaping required by this section; and

(4) *Continuous maintenance of the site. Three-year guarantee.* Guarantee from the developer that all plant materials will be warranted for a period of three years from the time of installation. If any material should fail to survive during that period, it would be replaced during the appropriate planting season.

(P) *Alternative methods of compliance.*

(1) *Alternative compliance.* Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved by the Planning Commission, an alternative compliance landscape plan may be substituted, in whole or in part, for the landscaping requirements of this section.

(2) *Procedure.*

(a) Alternative compliance landscape plans shall be considered through the site plan review process.

(b) *Review criteria.* In reviewing proposed alternative compliance landscape plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards, and 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 buffering or screening 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;

4. The site involves unusually shaped parcels that make full compliance impossible or impractical;

5. Due to a change of use of an existing site, the required landscaping exceeds the amount that can be approved;

6. Safety considerations require a change; or

7. The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

(Q) *Dedication and landscaping of neighborhood parks.*

(1) *Purpose.* Provide health and wellness through recreational opportunities, social engagement, neighborhood community building, nature education; parks increase neighborhood and city property values and contribute to overall quality of life.

(2) *Ratios for dedication.*

(a) Developers of residential developments with more than five lots/units, shall dedicate, in perpetuity, to the city, land area exclusive of streets, for a park and/or trails within the development. Land shall be dedicated at a ratio of .02 acres (870 SF) of land for each single-family dwelling unit and .01 acres (435 SF) for each multi-family dwelling unit. If the dedicated land area will be less than one acre in size, the "in lieu of fee" will automatically be required.

(b) *Dedication.* Dedication of land must be made before the city signs the final plat or the building permit is issued for the development. Deeded land is dedicated park land and is not subject to any right of reversion or refund.

(3) *Fee payment in lieu of land conveyance.* In lieu of land dedication, the developer shall contribute to the City Parks and Trails Development Fund \$250 for each single-family unit and \$100 for each multi-family unit. The city shall review the designated fees every two years and make adjustment suggestions to the City Council.

(a) *Use of fees.* Fees in lieu of dedication for parks shall be deposited in the City Parks and Trails Development Fund and shall only be used for park or trail acquisition, development, maintenance, or upgrades, as determined by the city.

(b) *Fees.* Intention for fees in lieu of dedication shall be included in the development agreement and paid prior to the city's signature of, and release of, the final plat.

(4) *Location of park.* The most suitable location for a park may be determined by the developer and approved by the Planning Board. Dedicated park land shall be contiguous and shall be dedicated in perpetuity. Land, when dedicated, shall be shown on the preliminary and final plats and on site plans and landscape plans.

(5) *Unacceptable park land.* Street front landscape buffers or parking lot landscape buffers and islands; stormwater detention ponds; irrigation ditches, swales, and stormwater channels; land with excessive grade; land with immovable trash, junk, and/or pollutants; or any other land deemed unsuitable by the Planning Board shall not be dedicated as park land.

(6) *Required essential landscaping and infrastructure.*

- (a) Community green space with bench seating (minimum two benches);
- (b) Open turf grass area;
- (c) ADA accessible walking trail or path into public area;
- (d) Trash receptacle to be approved by the city. The city will be responsible for trash disposal;
- (e) Water and sewer connections (there will be no charge for these taps);
- (f) Other utility easements for nature connections;
- (g) Hose bib connection;
- (h) Vegetation planning requirements below. These can be altered at the discretion of the Planning Board when native trees, shrubs, grasses, and other vegetation are preserved.
 - 1. Minimum of four large trees;
 - 2. Minimum of two small trees;
 - 3. Other perennial vegetation;
- (i) A minimum of one active use enhancement per acre shall be incorporated into the park;
 - 1. Children's playground equipment;
 - 2. Splash pad park;
 - 3. Sports facility, which can include bocce court, volleyball court, basketball court, tennis court, soccer field, disk golf course, or other facility approved by the Planning Board;
 - 4. Hiking or biking trails; or
 - 5. Other amenity approved by the Planning Board;
- (j) Other optional amenities to include (not required):
 - 1. Lighting;
 - 2. Picnic tables;
 - 3. Barbeque grills;
 - 4. Restroom facilities;
 - 5. Gazebo or pavilion;
 - 6. Rain garden or other display garden; or
 - 7. Drinking fountain.

(7) *Park naming rights.* The developer shall have naming rights for the park, subject to approval by the Planning Board.

(8) *Ownership and maintenance/replacement.* Dedicated parks shall be maintained by the city.

(9) *Park design and construction standards.* Developer shall design and construct neighborhood parks in compliance with all city design standards for public improvements.

(10) *Performance bond; landscaping installation, maintenance, and replacement of landscaping materials.*

(a) *Performance bond/guarantee requirement.* At the time of presentation of the final landscape site plan, the developer shall be required to provide the city with a performance bond, certificate of deposit, or letter of credit to ensure full compliance with landscape installation and a two-year replacement/maintenance requirement for the dedicated park. The bond instrument shall be subject to rules found in §§ 152.030 through 152.032 regarding actions to be taken by the city and developer depending on the type of bond submitted.

1. If all landscaping has been installed per the plan, the performance bond shall be for 50% of the cost of material and labor.

2. If the landscaping has not been installed, the bond shall be for 100% of the cost of material and labor.

3. The bond shall be irrevocable and shall list the city as sole beneficiary.

4. The bond shall be in a form approved by the City Attorney.

5. The bond shall run for no less than 24 months.

6. Should the city have to complete the approved landscaping site plan and/or replace dead landscaping material within two years of planting, as determined by the city staff after consultation with the city's engineer, the city shall be entitled to payment upon making demand for payment under the terms of the bond, cash deposit, or letter of credit. The city shall be entitled to use all of the money secured by the bond, cash deposit, or letter of credit to assure the proper installation or maintenance of the improvement.

7. The subdivider shall not be entitled to any excess monies until the installation and/or maintenance of the improvements in the park have been satisfactorily completed.

(b) *Installation.* All landscaping shall be installed in accordance with the standards and requirements of this section. Permits for building, paving, utilities, or construction shall not be issued until a landscape site plan including all required information is submitted and approved by the Planning Board. The landscape site plan must be submitted with the site plan.

(c) *Delays in planting.* When construction has been completed but it would be impractical to plant trees, shrubs, grass, or other landscape material due to weather conditions, upon approval of the city, the developer shall be given additional time to complete all required landscaping; further, a temporary occupancy permit may be issued by the Building Inspector. The developer or builder must make every effort to finish the project within the given timeframe for completion that both parties have agreed to.

(d) *Enforcement.* Final occupancy permits and /or final plats will be held for those who fail to complete the landscaping requirements that the city and developer have agreed to.

(R) *Recommended trees and shrubs.*

(1) *Criteria.* The following lists indicate plantings that meet the landscaping requirements. These are recommendations. Other species may be considered by the city, unless specifically prohibited in other official city documents or ordinances. No known invasive species shall be allowed.

(a) All plant materials should be spaced appropriately in accordance with mature plant size.

(b) Plant materials intended for screening as required should be spaced appropriately to form the appropriate screen upon maturity.

(c) *Perennials and grasses.* No restrictions, natives and drought tolerant species preferred.

(2) *Recommended plant lists.*

(a) *Large trees.*

Common Name	Scientific Name	Not to be Used as a Street Tree
American Beech	<i>Fagus grandifolia</i>	X
American Holly	<i>Ilex Opaca</i>	X
American Hophornbeam	<i>Ostrya virginiana</i>	
Baldcypress	<i>Taxodium distichum</i>	
Bitternut Hickory	<i>Carya cordiformis</i>	
Black Oak	<i>Quercus velutina</i>	
Black Walnut	<i>Juglans nigra</i>	
Bur Oak	<i>Quercus macrocarpa</i>	
Chinese Pistache	<i>Pistacia chinensis</i>	
Chinkapin Oak	<i>Quercus muehlenbergii</i>	
Crape Myrtle	<i>Lagerstroemia indica</i>	

Frontier Elm	<i>Ulmus carpinifolia x parvifolia</i>	
Goldenrain Tree	<i>Koelreuteria paniculate</i>	
Japanese Zelcova	<i>Zelcova serrata</i>	
Jefferson Elm	<i>Ulmus americana 'Jefferson'</i>	
Lacebark Elm	<i>Ulmus parvifolia</i>	
Littleleaf Linden	<i>Tilia cordata</i>	
Northern Red Oak	<i>Quercus rubra</i>	
Osage Orange	<i>Maclura pomifera</i>	X
Pecan	<i>Carya illinoensis</i>	
Prospector Elm	<i>Ulmus wilsoniana</i>	
River Birch	<i>Betula nigra</i>	X
Shagback Hickory	<i>Carya ovata</i>	
Shingle Oak	<i>Quercus imbricaria</i>	
Shumard Oak	<i>Quercus shumardi</i>	
Silver Linden	<i>Tilia tomentosa</i>	
Southern Magnolia	<i>Magnolia grandiflora</i>	X
Southern Red Oak	<i>Quercus falcate</i>	
Sugarberry	<i>Celtus laevigata</i>	
Swamp White Oak	<i>Quercus bicolor</i>	
Sycamore	<i>Platnus occidentalis</i>	
Tuliptree	<i>Liriodendron tulipifera</i>	
Turkish Filbert	<i>Corylus colurna</i>	
Water Oak	<i>Quercus nigra</i>	
White Oak	<i>Quercus alba</i>	
Willow Oak	<i>Quercus phellos</i>	

(b) *Small/understory trees.*

Common Name	Scientific Name
American Smoketree	<i>Cotinus obovatus</i>
Cherry	<i>Prunus serrulata</i>
Crabapple	<i>Malus species</i>
Flowering Dogwood	<i>Cornus florida</i>
Fringe Tree	<i>Chionanthus virginicus</i>

'Little Gem' Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'
Natchez Crapemyrtle	<i>Lagerstroemia indica</i> 'Natchez'
Oklahoma Redbud	<i>Cercis reniformis</i> 'Oklahoma'
Oriental Arborvitae	<i>Platycladus orientalis</i>
Possumhaw	<i>Ilex deciduas</i>
Saucer Magnolia	<i>Magnolia x soulangiana</i>
Serviceberry	<i>Amelanchier arborea</i>
Star Magnolia	<i>Magnolia stellata</i>
Sweet Bay Magnolia	<i>Magnolia virginiana</i>
Yaupon Holly	<i>Ilex vomitoria</i>

(c) *Shrubs.*

Common Name	Scientific Name
Boxwood	<i>Buxus sinica</i> var. <i>insularis</i> 'Wintergreen'
Butterfly Bush	<i>Buddlei davidii</i>
Chokeberry	<i>Aronia species</i>
Compact Japanese Holly	<i>Ilex crenata</i> 'Compacta'
Cotoneaster	<i>Cotoneaster species</i>
Dwarf Yaupon Holly	<i>Ilex vomitoria</i> (dwarf cultivars)
Elderberry	<i>Sambucus nigra</i>
English Laurel	<i>Prunus laurocerasus</i>
Fothergilla	<i>Fothergilla gardenia</i>
Foster's Holly	<i>Ilex attenuata</i> 'Fosteri'
Fragrant Sumac	<i>Rhus aromatic</i> 'Gro- Low'
Glossy Abelia	<i>Abelia grandiflora</i>
Hydrangea	<i>Hydrangea species</i>
Inkberry Holly	<i>Ilex glabra</i>
Mugo Pine	<i>Pinus mugo</i>
Nellie R. Stevens Holly	<i>Ilex</i> 'Nellie R. Stevens'
Pieris	<i>Pieris species</i>
Pyracantha	<i>Pyracantha species</i>
Seagreen Juniper	<i>Juniperus X pfitzeriana</i> 'Sea Green'
Spiraea	<i>Spiraea species</i>

Summersweet	<i>Clethra alnifolia</i>
Twig Dogwood	<i>Cornus sericea</i>
Viburnum	<i>Viburnum species</i>
Weigela	<i>Weigela species</i>
Yew	<i>Taxus species</i>
Yucca	<i>Yucca species</i>