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**ORDINANCE NO 2018 - 13**

**AN ORDINANCE AMENDING SECTION 27-908. LANDSCAPING REQUIREMENTS OF CHAPTER 27 OF THE CODE OF THE CITY OF HUTCHINSON, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF HUTCHINSON, KANSAS:

**Section 1.** That Section 27-908. Landscaping Requirements of Chapter 27, be amended to read as follows:

**Sec. 27-908 Landscaping Requirements.**

A. Intent.

The purpose of these regulations is to foster an attractive community through the installation of economically responsible and climatically appropriate landscaping. The City recognizes the value of landscaping in achieving the following goals:

1. Promote the enhancement of Hutchinson's urban forest;
2. Promote the reestablishment of vegetation in urban areas for health, ecological, and aesthetic benefits;
3. Provide new planting in harmony with natural vegetation and careful grading;
4. Provide greenery to visually soften paved areas and buildings, while being sensitive to safety concerns;
5. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and surrounding properties;
6. Screen certain unsightly equipment or materials from the view of persons on public streets or surrounding properties;
7. Unify development and enhance and define public and private places;
8. Encourage xeriscape principles in the preparation of landscape plans;
9. Provide an overall planting scheme that will:
  - a. Reduce soil erosion and the volume and rate of discharge of stormwater runoff;
  - b. Promote ground water recharge;
  - c. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind;
  - d. Mitigate the loss of natural resources;

- e. Provide visual screens and buffers that mitigate the impact of a land use on a neighborhood to preserve the appearance, character and value of existing neighborhoods;
  - f. Reduce glare, noise and heat; and
  - g. Provide greater perceptual clarity along streets by more consistent planting of properly sized street trees; and
10. Attract potential residents and businesses to Hutchinson, and create a safer, more attractive and more pleasant living and working environment for residents and visitors.

B. Definitions.

**Caliper** shall mean the diameter of a tree trunk. Caliper is used for trees less than 12 inches in diameter. For trees less than four inches in diameter, the caliper is measured six inches from the ground. For trees between four inches and 12 inches in diameter, the caliper is measured 12 inches from the ground.

**Developed Area** shall mean the area of a lot 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.

**Landscape Buffer** shall mean a combination of living vegetation, such as trees, shrubs, grasses, perennials or ground cover material.

**Landscape Material, Living** shall mean climatically compatible living plants to include trees, shrubs, ground cover, vines, turf and grasses.

**Landscape Material, Non-Living** shall mean decorative rock, bark, mulch, brick pavers and decorative embellishments (fountains, pools, walls, fencing, sculptures and other materials commonly used in landscaped areas). Salvage materials and similar items shall not be considered landscape material.

**Landscape Mixture** shall mean the mix of living and non-living landscape material required on a lot or property. This is typically expressed as a percentage.

**Landscape Plan** shall mean a drawing depicting the site, the layout of buildings and other hardscape, and the annotation of areas to be landscaped. Landscape plans shall include the proposed method for irrigation; the percent mix of living and non-living landscape materials; a list of all living species (including denotation of where said species will be planted), and a list of all non-living landscaping materials.

**Landscaped Area** shall mean any area that contains living or non-living landscape materials that are intended to meet the requirements of this section.

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

**Natural Area/Undisturbed Natural Area** shall mean land and water that has substantially retained its natural character or land and water that, although altered in character, is important as habitats for plant, animal or marine life, for the study of its natural, historical, scientific or paleontological features, or for the enjoyment of its natural features.

**Parking Lot Island** shall mean a landscape area a minimum of 200 square foot in size that contains a minimum of one tree and which is contained completely within the confines of a parking lot.

**Parking Peninsula** shall mean a planting area used to fulfill parking lot landscaping requirements, which extends out into the parking area and is abutted on at least one side by the outer edge of the paving or a building and which contains at least one tree.

**Shrub** shall mean a woody plant other than a tree.

**Significant Tree** shall mean any existing tree with a caliper of six inches or greater, determined to be in good health by a qualified professional (i.e. urban forester, certified arborist) following guidelines established by the International Society of Arboriculture.

**Street Tree** shall mean a tree planted within the planter strip between the sidewalk and the curb or, if no planter strip exists, a tree planted within 10 feet of the public right-of-way.

**Tree** shall mean any self-supporting woody plant, usually having one or more woody trunks, and a potential diameter at breast height (DBH) of four inches or more.

**Turf Grass** shall mean existing or installed grass that has been sodded, sprigged, seeded or hydro mulched. All turf shall completely cover exposed areas of soil after one full growing season.

**Xeriscape** shall mean a method of landscaping that emphasizes water conservation and which is accomplished through sound horticultural and landscaping practices, such as planning and design, soil improvement, limited turf areas, use of mulches and decorative rock, use of low-water-demand plants, efficient irrigation practices and appropriate maintenance.

C. **Applicability, Exemptions and General Regulations**

These regulations shall be minimum standards for landscaping and screening. Property owners and developers are encouraged to exceed the standards set forth

in these regulations in order to enhance the value of their properties and to benefit the collective health and enjoyment of all residents within the City of Hutchinson planning jurisdiction.

1. Applicability. Unless otherwise expressly stated in these regulations, all rules, regulations, conditions and requirements set forth in this section shall apply to the following:
  - a. The construction of any principal building or structure;
  - b. The addition to or enlargement of any principal building, except as exempted below, by more than 30 percent of its existing gross floor area (or smaller additions if the aggregate area of such additions over a period of 18 months exceeds the 30 percent threshold) except that additions smaller than 500 square feet shall be exempt;
  - c. The construction or installation of any surface parking area containing five or more off-street parking spaces (or smaller additions if five or more parking spaces are installed over a period of 18 months), if said parking lot abuts the public street or sidewalk; and
  - d. All areas of a site or development, except single family detached dwelling and residential duplex lots, that are not covered by buildings or impervious surfaces, except that phasing may be permitted for projects located on large lots.
2. Exemptions. The following shall be expressly exempt from the landscaping and screening standards of this article:
  - a. The construction or expansion of a single family detached dwelling, including a residential-design manufactured home, or a residential duplex; provided, however, that all required front, side and rear yards shall be landscaped, except walkways, parking surfaces, drainage utilities and accessory uses. Said uses shall have a combination of living and non-living landscape material, with no bare ground exposed at the time of occupancy;
  - b. Agricultural uses;
  - c. Changes of use/occupancy for existing buildings, where no expansion is requested or where the expansion does not meet the minimum threshold as established under Sec. 27-908.C.1.b; and
  - d. Changes of use/occupancy for existing buildings even if the new use requires special use permit approval or conditional use permit approval.
3. Additional Landscaping Not Required. If the site, including proposed buildings and parking areas, meets or exceeds current landscape requirements, additional landscaping shall not be required.
4. Line of Sight Protected. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted in these regulations. Plantings within the sight triangle shall not exceed a height of 30 inches.
5. Landscaping in the Street Right-of-Way. Property owners in all zoning districts shall be responsible for landscaping the area within the street right-of-way between the edge of the roadway and the property line.

- a. The type and location of vegetation shall not interfere with utilities and the safe and efficient flow of vehicular and pedestrian traffic. Approval by the appropriate City Departments responsible for streets and utilities shall be required; and
  - b. The area within the street right-of-way between the curb line and the property line shall not be hard-surfaced, other than a permitted driveway or sidewalk, and it shall not be used for parking, display or storage, unless otherwise permitted.
- 7. Fire Hydrants and Fire Hose Connections. No landscaping or screening shall be installed in a manner that might impede access by the Fire Department to fire hose connections on buildings and fire hydrants. Consideration should be given to plant species that, upon reaching mature height, may block connections.
- 8. Quality and Coverage Requirements.
  - a. All plant material planted to meet the requirements of these regulations shall be in a healthy condition at the time of planting and shall meet quality standards set forth by the American Standard for Nursery Stock;
  - b. Turf grass shall be planted, seeded or re-seeded as necessary, watered and maintained in such a manner as to completely cover all exposed areas of soil after one full growing season; and
  - c. No disturbed ground shall be left exposed. Grass and other approved landscape material shall cover all non-paved and non-built developed areas.
- 9. Inspection Required. An inspection of all plantings to confirm compliance with the approved landscape plan shall be required prior to the issuance of a certificate of occupancy.
- 10. Maintenance. It shall be the responsibility of the property owner(s), or his/her assigned agent(s) to:
  - a. Maintain and keep all screening and fencing in good repair at all times;
  - b. Maintain landscaping by keeping lawns mowed, all plants properly groomed and maintained as disease-free, and planting beds groomed, except in naturally occurring dense growths of shrubs or undergrowth;
  - c. Replace any required planting(s), which have been removed, are diseased or no longer living, within one year or within the first planting season, whichever occurs first, except those in naturally occurring dense growths of shrubs or undergrowth; and
  - d. Maintain all landscaping included as part of an approved landscape plan.
- 11. Violations. Failure to provide the improvements required by these regulations or failure to maintain improvements in the manner prescribed by these regulations shall constitute an offense and violation of this chapter. Also see Sec. 27-1210.

12. Right of the City to Clear Trees. 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 vegetation from lands used by a public utility or City Department. The public utility or City Department shall cooperate and coordinate with the City Forester when clearing or pruning in the rights-of-way.
13. Easements and Rights-of-Way. Plantings and other landscaping established within official easements of record and public rights-of-way may be subject to alteration and/or removal by the easement or right-of-way holder for purposes of access and/or maintenance without liability.

D. Steps Required for Approval of the Landscape Plan.

1. Determine Landscape Material Requirements. Determine the percentages and location of plantings, quantity, type and size of living and non-living landscape materials and add those features to the Landscape Plan. (Refer to Sec. 27-908.E.)
2. Determine Additional Requirements. Determine whether screening or buffer requirements apply to the development and add those features to the Landscape Plan. (Refer to Sec. 27-908.E.)
3. Submit Landscape Plan to City. Submit the Landscape Plan to the Planning and Development Department for review. (Refer to Sec. 27-908.F.)

E. Landscape Requirements.

1. Unless exempted above, all developments shall contain landscaping in accordance with the following table:

Zoning District	Minimum Landscaped Area*
R-4, R-5, C-1, C-2	30%
C-3, C-4, CR	20%
I-1, EN	15%
I-2, I-3, A-I, P/I	10%
C-5	0%

\*Percent of developed portion of site

- a. No more than 50 percent of a required landscape area shall be non-living. These regulations are intended to encourage creativity and diversity in landscaping.
  - b. Existing Trees. Preservation of existing significant trees is encouraged. Significant trees that must be removed as part of construction shall be replaced with new trees of at least 2-inch caliper on a one-to-one basis.
2. Street Trees.  
Installation of street trees shall be required for all new multi-family residential, commercial, public/civic/institutional and industrial development which property abuts arterial roadways, expressways and Gateway

Corridors. Said trees shall be planted at 40 feet intervals and shall be located within the planter strip or within 25 feet of the curb, if no planter strip is present. Street trees shall be permitted in the parking lot buffer area. Species shall be approved by the Director of Parks, Recreation and Facilities.

3. Parking Lot Landscaping.

The purpose of parking lot islands and/or parking lot peninsulas is to help reduce glare and heat buildup, promote interior islands for pedestrian safety and traffic separation, visually break up large expanses of pavement, and reduce surface runoff. Parking lot landscaping is not required, but is encouraged, as follows:

- a. Each parking lot island and/or peninsula that is a minimum of 200 square feet in area with a minimum average width of eight feet shall be credited toward minimum parking requirements, as follows:

Required number of spaces	Landscaping credit per island / peninsula	Maximum credit for landscaping
<10	No credit	None
10-20	4 spaces	4 spaces
21-50	4 spaces	8 spaces
51-75	4 spaces	12 spaces
76-100	4 spaces	16 spaces
>100	4 spaces	20% of total required spaces

- b. Each parking lot island and/or peninsula shall contain a minimum of one medium tree.
- c. Landscaped areas shall be reasonably dispersed throughout the parking lot.
- d. Parking lot plantings shall be in-ground and not placed upon a paved or gravel surface.
- e. All parking lot planting areas shall be protected with concrete curbs, or equivalent barriers.
- f. Each tree shall be planted a minimum of two feet away from the outside of any permanent barrier of a landscaped area or edge of the parking area. Trees shall be adequately protected from car doors and bumpers.
- g. Parking lots abutting a public or private street or sidewalk shall have a landscape buffer that covers a minimum of 75 percent of the length of the parking area and which is at least three feet in width comprised of the following:
  - (i). Decorative fencing (2 feet in height minimum / 3 feet in height maximum) and turf or ornamental grasses.
  - (ii). Landscaped berm a maximum of 3 feet in height.

- (iii). Decorative boulders, with turf, ornamental grasses and decorative rocks a maximum of 3 feet in height.
    - (iv). Ornamental plants and grasses a maximum of 3 feet in height.
    - (v). Hedges, a maximum of 3 feet in height.
    - (vi). Bioswales.
    - (vii). Any combination of the above that will provide a visual break between the parking lot and the street/sidewalk.
  - h. Stand-alone parking lots not associated with a specific development shall meet the requirements of this section and have a minimum of 5 percent of the total developed area in landscaping.
4. Screening of Trash and Recycling Containers.  
 Where trash or recycling containers (any container larger than a typical single family residential trash container) are provided in locations other than alleys, they shall be effectively screened from public view on all four sides with a solid fence, preferably of masonry or vinyl, and a gate constructed of compatible, durable, low-maintenance materials. Chain link with slats may be used for the gate only. Such containers and enclosures shall not be located in the front yard setback area. Enclosures shall be located and designed to allow accessibility by refuse trucks as needed. Plans for such enclosures shall be included on the Site Plan and approved by the Zoning Administrator.
5. Screening of Mechanical Equipment.
- a. Exterior ground-mounted or building-mounted equipment, including, but not limited to, mechanical equipment, utilities and banks of meters, shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture. All rooftop equipment shall be screened from public view with an architectural treatment which is compatible with the building architecture. For purposes of this paragraph, the phrase, "screened from public view," shall mean not visible from any public street right-of-way. The phrase, "architectural treatment compatible with the building architecture," shall not include painted mechanical units or prefinished mechanical units. For mechanical units not adequately screened by the parapet, supplementary screening shall be provided by the use of prefinished architectural metal panels, stucco panels, masonry walls or other similar building materials. The height of the screen shall be no lower than the height of the unit as measured from the roof surface.
  - b. Exceptions to the screening requirements of this section may be granted by the Board of Zoning Appeals where the following findings can be made:
    - (i.) There is a physical or topographical constraint or circumstance which makes screening of mechanical equipment technically infeasible or impractical; and
    - (ii.) The request is the minimum needed to meet the spirit and intent of these regulations.



- c. Existing buildings with mechanical equipment that does not meet these requirements shall be exempt from the screening requirement.
  - d. Development in industrial zoning districts shall be exempt from this requirement.
6. Industrial Screening and Security Fences.
- a. All industrial uses separated by a local residential street from any residential district or residential use shall erect a solid fence with a minimum height of six feet on or behind the required setback line parallel to the street frontage, provided that all outdoor work, sales, display and/or storage in the yard shall be located behind the fence.
  - b. Where permitted, a solid fence or screening may be erected, provided that required sight triangles are maintained at driveway and pedestrian access points and street intersections.

7. Buffering and Screening of Residential Property.

The purpose of residential buffers and screening is to create a smooth transition between land uses of varying use intensity by providing an attractive physical buffer along the more intensive use to provide separation. Such buffers and screening minimize the potential for disruptive light, noise, odor, dust and unsightly appearances, and intrusive activity relative to the residential environment. Landscaped buffers and screening shall be designed to create compatible relationships of scale and appearance with surrounding properties.

Buffers and screening shall be required in instances where:

- a. A non-residential use is adjacent to a residential use;
- b. A multiple family dwelling is adjacent to a single-family dwelling or residential duplex; or
- c. An industrial use is separated by a local residential street from any residential district or residential use.

In the above instances, buffers and screening shall be provided on the site of the more intensive use in accordance with the following:

- a. A landscaped buffer between the proposed developed area and the property line(s) of the adjacent property is required.
- b. The landscaped buffer shall run the entire length of the developed portion of the abutting property line(s). The type of landscaped buffer may consist of any or all of the following:
  - (i.) A solid fence a minimum of 6 feet in height.
  - (ii.) A landscaped buffer no less than six feet in width, planted with a series of evergreen plantings at least six feet in height and spaced in a manner to provide a continuous visual barrier; or
  - (iii.) A natural, undisturbed wooded area at least 20 feet in width.

8. Exemptions from Screening Requirements.

- a. In those instances where a development site abuts a public park or other permanent public open space and where at least 100 feet of undisturbed natural foliage exists along the common property line, a landscaped buffer along the common property line is not required; provided, however, that loading docks, trash receptacles, and storage areas on the development site along the common lot line shall be screened as provided within these regulations.
- b. In those instances where a residential development site abuts a railroad right-of-way, there shall be no landscape buffer required along the common property line.

F. Landscape Plans.

At the time of submission for Planning Department approval, the required landscape plan, separate and apart from other required plans, shall be submitted and made a part of the file. No landscape plan shall be required for a single family detached dwelling or residential duplex.

1. Landscape Plan Content.

Landscape plans shall be submitted to the City and shall include the following information:

- a. North arrow and scale;
- b. The location of existing property lines and dimensions of the tract, accurately drawn to scale;
- c. Exact locations and outline of all rights-of-way, both existing and proposed by the Street Classification Plan of the City of Hutchinson;
- d. The location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided;
- e. The location and size of any permanent fixture or structure including, but not limited to, sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscape plan;
- f. The location, size and type of all above-ground and underground public utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided;
- g. The location, size, type, spacing (on center), and quantity of all proposed living and non-living landscape materials and existing landscape materials to be counted toward meeting the landscape area requirements;
- h. The provisions to be taken during construction for the protection of existing trees to be saved (if any);
- i. Provisions for maintenance of trees and living landscaping;
- j. The method of irrigation;
- k. Screening required by these regulations; and

- I. A table listing the square footage of the developed area and the landscaped area, the number of proposed parking spaces and any credits requested based upon landscape islands/peninsulas, and all proposed living and non-living plant materials.
2. Planting Installation and Approval.
  - a. Timing of Landscape Placement.

For developments requiring a landscape plan:

    - (i.) Trees shall be installed, after other public improvements, and water must be available for their care and maintenance.
    - (ii.) Prior to the issuance of a certificate of occupancy for any structure where landscaping is required, all work as indicated on a landscaping plan shall be inspected for approval by the Zoning Administrator.
    - (iii.) A landowner may obtain a temporary certificate of occupancy for a structure prior to the completion of required landscaping work if the completion is not possible, due to seasonal or weather conditions. The property owner shall have a maximum of 365 days from the date of temporary occupancy to install the required landscaping.
    - (v.) A final certificate of occupancy, for any use, shall not be issued until the required landscaping has been installed in accordance with the approved landscape plan, and it shall be illegal for any person, firm or corporation to occupy or operate a business in any new structure or building addition for which landscaping, as shown by the plans, is not provided.

**Section 2.** That the existing Hutchinson City Code Section 27-908. Landscaping Requirements of Chapter 27 is hereby repealed.

**Section 3.** That all other sections of Chapter 27 shall remain in full force and effect.

**Section 4.** This ordinance shall take effect and be in force from and after its passage and publication once in the official City newspaper.

**PASSED BY THE GOVERNING BODY**, this 3rd day of July, 2018, for the City of Hutchinson, Kansas.

Steven A. Dechant, Mayor

ATTEST:

Karen Weltmer, City Clerk