

# REQUEST FOR COUNCIL ACTION

AGENDA SECTION: Ordinances		ORIGINATING DEPT. Community Services	MEETING DATE: 03/06/06
ITEM NO. 34	ITEM DESCRIPTION: * Ordinance No. 2006-5 – 2 <sup>nd</sup> Consideration Ordinance amending Title 10, Section 10-5-5, Landscaping and Tree Standards		PREPARED BY: Martzahn

## ORDINANCE NO. 2006-5

### AN ORDINANCE TO AMEND SECTION 10-5-5, LANDSCAPING AND TREE STANDARDS OF THE MOORHEAD CITY CODE

WHEREAS, a new zoning ordinance was enacted in January 2005; and

WHEREAS, the City desires to make adjustments, corrections and clarifications to the section of the new zoning ordinance relating to landscaping and tree standards; and

WHEREAS, the Planning Commission held a public hearing and an additional meeting for the development community regarding proposed changes; and

WHEREAS, the Planning Commission at its meeting on February 3, 2006 unanimously voted to recommend to the City Council the revisions, as follows:

**SECTION 1.** The Official Zoning Ordinance hereby amends the following section of Title 10:

1. Section 10-5-5, Landscaping and Tree Standards

#### **10-5-5: LANDSCAPING AND TREE STANDARDS:**

A. Goal/Objective: The following landscaping standards are intended to promote the creation of green space within commercial, industrial, and high density residential districts in order to maintain the aesthetics of those districts, buffer off-street parking areas, reduce drainage offsite, filter noise and light, and encourage the planting of trees throughout the community. ~~A landscaping plan shall be submitted and approved prior to the issuance of a building permit for developments in the NC, CC, RC, LI, HI, RHD-1 zoning districts subject to the standards below.~~

#### B. General applicability.

1. A landscaping plan shall be submitted and approved prior to the issuance of building permits for developments in the NC, CC, RC, LI, HI, RMD-1, RMD-2 and RHD-1 zoning districts, subject to the standards below.

OTTO  
BOHMER  
WRAY WILLIAMS  
ROWELL  
HUNT  
WINTERFELDT- SHANKS  
HINTERMEYER  
LEMKE  
MAYOR

2. New Uses: Whenever a new use is established or a property is converted to a new land use type, landscape requirements shall be applicable to the entire lot.
3. Existing Multi-family Residential, Commercial And Industrial Sites:
  - a. Whenever an owner makes improvements or repairs to existing multi-family residential, commercial and industrial properties that increase the floor area by more than one thousand (1,000) square feet or ten (10) percent, whichever is greater, or the property is improved beyond fifty (50) percent of the assessed value of the structure(s), landscaping and tree standards shall apply to the entire site.
  - b. Whenever a building(s) is constructed or structurally altered by one (1) or more smaller additions, landscape requirements shall be applicable to the new construction and adjoining yard only.
4. New and expanded parking areas shall meet landscape requirements. Parking areas without permanent hard surfaces shall meet the requirements if surfaced or altered in any way.
5. Whenever storage of materials or equipment is commenced on a site that has not previously been used for that purpose, screening shall be provided according to the landscape regulations.
6. If a property will be developed in phases, a site plan for the entire property shall be provided with the initial phase; plant units, however, unless part of a required screen or buffer, may be installed as phases are develop.
7. Exemptions and exceptions shall be as follows:

Special consideration will be given to site design, topography, unique relationships to adjacent properties and existing utilities in enforcing screening requirements. If the applicant can demonstrate that the public interest is better served through alternative landscape design, the zoning administrator may permit variation from these regulations

**B. C. New Commercial, Industrial, and High-Density Multi-family Residential Properties:**

1. Plants shall be planted in permeable, green spaces of adequate size to ensure the health of the plantings. Plants used to fulfill requirements of this section shall meet the standards of the American Nursery and Landscape Association.
2. Plant Units Required:
  - a. Within any NC, CC, and RC, RMD-1, RMD-2 and RHD-1 zoning districts, a minimum of three (3) plant units shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof, and eight (8) square feet per tree or shrub shall be provided.
  - b. Within any LI or HI, RMD-2, or RHD-1 district, a minimum of one (1) plant unit shall be provided for each one thousand (1,000) square feet of lot area or fraction thereof, and eight (8) square feet per tree or shrub be provided.
  - c. For properties abutting a gateway, as defined by the Gateway Overlay district, the minimum plant units for each one thousand (1,000) square feet of lot area or fraction thereof shall be increased to four (4) in commercial and multi-family residential districts, and to two and a half (2 ½) in industrial districts.
  - d. A minimum of forty (40) plant units shall be provided for any commercial or industrial property.
  - e. Plant unit equivalencies:

Type Of Plant Material	Minimum Size (At Time Of Planting)	Equivalent Plant Units
Large, mature deciduous tree	1.5 to 3 inch caliper	10
Large, mature evergreen tree	4 to 8 feet height	10
Small, mature deciduous tree	1.5 to 3 inch caliper	5
Small, mature evergreen tree	3 to 6 feet height	5
Mature shrub	1 to 5 gallon	2.5

(Plant material sizes to be measured in accordance with a species list, approved by the city forester.)

[replace above table and caption with the following table]

Type of Plant Material	Minimum Size at Time of Planting	Equivalent Plant Units
Large, mature deciduous tree	1.5-3 inch caliper	10
Large, mature evergreen tree	4-8 feet in height	10
Small, mature deciduous tree	1.5-3 inch caliper	5
Small, mature evergreen tree	3-6 feet in height	5
Mature shrub	2 gallon	2.5
Perennials	1 gallon	1

- e.f. Plantings shall be selected and located to maximize visual impact and energy conservation. A minimum of seventy (70) percent of the plant units required by this section shall be installed in required front or street side setback areas, parking buffer areas, or within landscaped areas required in parking lot interiors landscaped areas.
- f. A complement of shrubs and trees will be part of an approved landscaping plan. g. The landscaping plan shall be comprised of a mixture of trees and shrubs as approved by the zoning administrator.

**2. 3. Parking Lot Buffering Landscaping:**

a. Parking lot perimeter buffers shall be located between off-street parking areas and adjacent street rights of way in accordance with the following table:

Parking Area Size Number Of Spaces	Buffer Width Minimum (Feet)
1 - 50	4
51 - 250	9
251 +	20

(Buffer width measured from property line.)

[replace above table and caption with the following table]

Parking Area Size (number of spaces)	Buffer Width Minimum (feet)
1 -250	10
251 +	20

- b. Parking lots located adjacent to a residentially zoned parcel shall provide two (2) buffer points as defined in section 10-5-6B(4).
- c. Parking areas having more than fifty (50) spaces shall provide landscaping within five (5) percent of the interior area of the parking lot, with said areas having a minimum width of six (6) feet. being a minimum of three hundred sixty (360) square feet. Neighboring properties having a shared parking agreement for a lot totaling more than fifty (50) spaces shall have landscaping within five (5) percent of the interior area of the parking lot on each of the respective properties.
- d. Parking buffer areas shall be planted in grass or landscaped with rock, bark, mulch or other suitable landscaping materials approved by the city. other living ground cover and landscape plants. Limited use of bark, mulch or other suitable landscaping materials must be approved by the city zoning administrator.
- e. Parking buffer standards of this subsection do not apply to areas used for storing vehicles in conjunction with a vehicle sales or rental establishment.

3.4. Boulevard Trees: All commercial, industrial, and ~~high density~~ multi-family residential developments within the city ~~will be required to~~ shall provide boulevard trees in addition to and separate from plant unit requirements of this subsection and in conformance with the standards outlined below:

a. All boulevard trees planted will be a minimum of a one and ~~three-fourths~~ one-half inch (1-3/4") (1 1/2") diameter and of a variety(~~ies~~) ~~which shall be agreed to by the city and owner and incorporated within the landscape plan.~~ approved by the City.

b. The number of trees planted on any lot will be equivalent to that lot's total lineal footage along the ~~city~~ public street right-of-way divided by thirty (30) feet provided the total number of trees may be reduced so as to not conflict with driveways, fire hydrants, easement location or other impediments.

~~C. D. Existing Commercial And Industrial Sites: Improvements or repairs to existing commercial and industrial properties that increase the floor area by more than one thousand (1,000) square feet or ten percent (10%), whichever is greater, or improved beyond fifty percent (50%) of the assessed value of the structure(s), or changes in use which require more parking spaces shall submit a landscaping plan based on the standards for new commercial and industrial properties for approval by the planning and zoning administrator. If said landscaping plan does not fully comply with the standards for new commercial and industrial properties, then the planning commission shall approve or deny said landscaping plan based on considerations similar to that for a variance procedure.~~

~~D. Maintenance A-and Replacement: Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the city will be considered as elements of the project in the same manner as parking, building materials and other plan details. The landowner, or successor in interest, or agent, if any, will be jointly responsible for regularly maintenance ing of all landscaping in good condition and in a way that so that it presents a healthy, neat, and orderly appearance, ~~which includes ing the removal of weed species as well as the repair or replacement of damaged or destroyed landscaping.~~~~

~~E. Traffic Visibility Standards: Traffic visibility standards within section 10-5-4 of this chapter shall apply to the commercial and industrial districts.~~

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Moorhead as follows:

**SECTION 2.** This Ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

PASSED by the City Council of the City of Moorhead this 6<sup>th</sup> day of March, 2006.

APPROVED BY:

\_\_\_\_\_  
MARK VOXLAND, Mayor

ATTEST:

\_\_\_\_\_  
KAYE BUCHHOLZ, City Clerk

First Consideration: February 21, 2006

Second Consideration:

Date of Publication:

**TITLE AND SUMMARY OF ORDINANCE NO. 2006-5**

The following Ordinance is hereby published by title and summary:

**1. Title of Ordinance:**

An Ordinance to Amend Section 10-5-5: Landscaping and Tree Standards of the Moorhead City Code.

**2. Summary of Ordinance:**

The Ordinance amends the Landscaping and Tree Standards of the 2005 Zoning Ordinance to make adjustments, corrections and clarifications.

This Ordinance shall take effect upon publication in accordance with the Moorhead City Charter.

**3. Availability of Ordinance:**

A complete, printed copy of this Ordinance is available for inspection by any person during regular business hours in the office of the City Clerk, Third Floor, City Hall, 500 Center Avenue, Moorhead, Minnesota.

This Ordinance was passed by the City Council of the City of Moorhead on the 6<sup>th</sup> day of March, 2006.

APPROVED:

\_\_\_\_\_  
MARK VOXLAND, Mayor

ATTEST:

\_\_\_\_\_  
KAYE BUCHHOLZ, City Clerk

Date of Publication: