

ORDINANCE NO. 5559

AN ORDINANCE AMENDING CHAPTER 56 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS; TO DECLARE AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, contains regulations pertaining to landscape and buffers;

WHEREAS, various provisions of Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, need to be amended to update certain provisions, and to provide clarity in the application of this Chapter; and

WHEREAS, a public hearing on the proposed amendments to Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, was held at the Springdale Planning Commission meeting on January 5, 2021.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

SECTION 1: Section 56-27 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-27. - Goals and objectives.

- (a) *Goals.* Goals of this chapter include, but are not limited to, the following:
 - (1) To save trees on public property from indiscriminate destruction or unnecessary removal.
 - (2) To moderate the effects of sun, wind, and temperature changes.
 - (3) To filter pollutants from the air and release oxygen.
 - (4) To stabilize soil and prevent erosion.
 - (5) To preserve ~~desirable trees~~ and utilize mature canopy where existing.
 - (6) To establish an education program providing information and guidelines for tree preservation and maintenance.
- (b) *Objectives.* The following are objectives that this landscaping and open space chapter intends to accomplish:
 - (1) Landscaping would enhance 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.
 - (4) Landscaping should be an integral part of a development—not an afterthought. This chapter is designed to promote high quality developments, protect property values and public investment in our community.

SECTION 2: Section 56-28 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-28. - Definitions.

For purposes of this chapter the following definitions shall apply.

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

Buffer, perimeter landscape means a continuous area of land set aside along the perimeter of a lot in which landscaping is used to provide a transition between and reduce the environmental, aesthetic, and other impacts of one type of land use upon another.

Cultivated landscape area means planted areas that are frequently maintained by mowing, irrigating, pruning, fertilizing, etc.

Drip line means a vertical line extending from the outermost branches of a tree to the ground.

Ecosystem means a characteristic assemblage of plant and animal life within a specific physical environment, and all interactions among species, and between species and their environment.

Evergreen means a plant with foliage that persists and remains green year-round.

Ground cover means plants, other than turf grass, normally reaching an average maximum height of not more than 24 inches at maturity.

Hedge means a landscape barrier consisting of a continuous, dense planting of shrubs.

Irrigation system means a permanent, artificial watering system designed to transport and distribute water to plants within the cultivated landscape area.

Landscape architect means as defined by the American Society of Landscape Architects; must be registered in the state of Arkansas.

Mulch means non-living organic and synthetic materials customarily used in landscaping design to retard erosion and retain moisture.

Open space shall be interpreted to mean:

All areas of natural plant communities or area replanted with vegetation after construction, such as revegetated natural areas; tree, shrub, hedge, or ground cover planting areas; and lawns; and

Other areas allowed to be counted as open space as per this Code.

Ornamental tree means a deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Parking space means that portion of a vehicle accommodation area set aside for the parking of one vehicle.

Perimeter, landscaping means a five-foot green space strip which [surrounds] the entire property, not including where a landscaped street buffer is required.

Plant community means a natural association of plants that are dominated by one or more prominent species, or a characteristic physical attribute.

Plant species, prohibited means those plants species which are demonstrably detrimental to native plants, native wildlife, ecosystems, or human health, safety and welfare.

Preserve areas means vegetative areas required to be preserved by law.

Professional landscaper means landscape designer, nurseryman, horticulturist or other landscape professional whose primary business is that of installing and maintaining landscapes.

Screen means a method of reducing the impact of noise and unsightly visual intrusions with less offensive or more harmonious elements, such as plants, berms, fences, walls, or any appropriate combination thereof.

Shade tree means usually a deciduous tree—rarely an evergreen—planted primarily for its high crown of foliage or overhead canopy.

Shrub means a self-supporting woody perennial plant of low to medium height characterized by multiple stems and branches continuous from the base, usually not more than ten feet in height at its maturity.

Tree means any self-supporting woody perennial plant which has a D.B.H. of two inches or more and which normally attains an overall height of at least 15 feet at maturity, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks as in several varieties of oak.

Understory means assemblages of natural low-level woody, herbaceous, and ground cover species which exist in the area below the canopy of the trees.

Vegetation, native means any plant species with a geographic distribution indigenous to all or part of the state of Arkansas. Plant species which have been introduced by man are not native vegetation.

Viable means when referring to a tree, shrub, or other type of plant, is a plant that, in the judgment of the planning official, is capable of sustaining its own life processes, unaided by man, for a reasonable period of time.

Woodlands, existing means existing trees and shrubs of a number, size, and species that accomplish the same general function as new plantings.

Xeriscape means landscape methods which conserve water through the use of drought-tolerant plant and planting techniques.

SECTION 3: Section 56-29 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-29. - Applicability.

The requirements of this chapter shall apply to all public, private, and institutional developments, other than single family residential or duplex residential developments, approved after the date (March 25, 2003) that this ordinance is adopted with the following exceptions:

- (1) Previously approved developments which have been given a permit to begin building construction.
- (2) Additions to existing structures that are under ten percent of the gross floor area of the building or 2,500 square feet, whichever is less.

SECTION 4: Section 56-30 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-30. - Submittal.

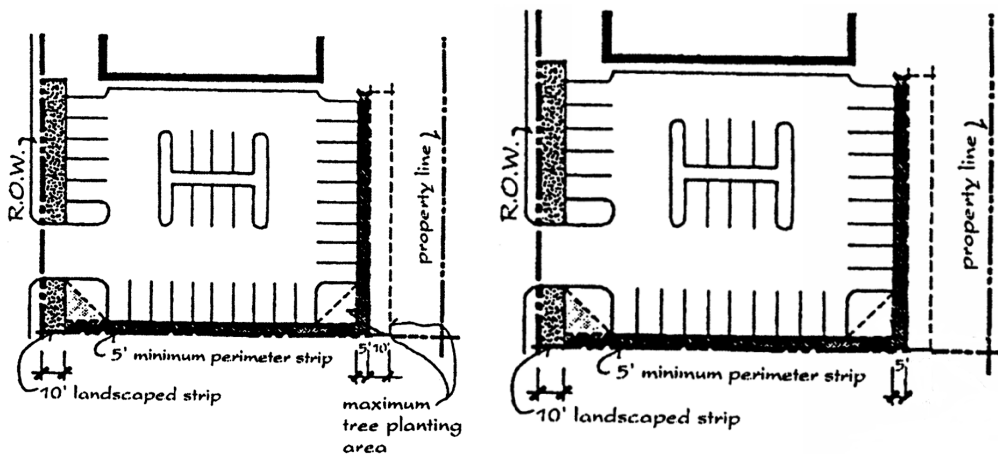
The following information is required on landscape plans in order for staff to review for compliance with this chapter.

- (1) Location, general type, and quality of existing vegetation, including specimen trees;
- (2) Existing vegetation to be ~~saved~~; preserved;
- (3) Methods and details for protecting existing vegetation during construction and approved sediment control plan, if available;

- (4) Locations and labels for all proposed plants;
- (5) Plant lists or schedules with the botanical and common names, quantity, spacing and size of all proposed landscape material at the time of planting;
- (6) Location and description of other landscape improvements such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas; ~~and~~
- (7) Planting and installation details as necessary to ensure conformance with all required standards; ~~and~~
- (8) Guarantee from the developer that all plant materials will be warranted for a period of 24 months from the time of installation. If any of the material should fail to survive during that period it would be replaced during the appropriate planting season.

SECTION 5: Section 56-31(3) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

- (3) *Perimeter landscaping other than street frontage.* Perimeter landscaping requirements define parking areas and prevent two adjacent lots from becoming one large expanse of paving. When perimeter landscaping is ~~require~~ required, the diagram below illustrates this concept. At minimum, a five-foot landscaped strip is required along the side and rear lot lines of a development with one tree per 25 linear feet required along lot lines.



- a. The perimeter landscaping requirement does not preclude the need for vehicular access to be provided between lots.
- b. The ~~ten-foot~~ five foot perimeter strip is required for each development regardless if one is already in place from an adjacent, developed lot.
- c. No pavement may extend within five feet of the property line on any lot unless it is included with an ingress/egress location.

SECTION 6: Section 56-36 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-36. - ~~Alternative~~ Alternative methods of compliance.

An application for alternative landscaping schemes is justified only when one or more of the following conditions apply:

- (1) The sites involve space limitation or unusually shaped parcels.
- (2) Topography, soil, vegetation, or other site conditions are such that full compliance is impossible or impractical.
- (3) Due to a change of use of an existing site, the required buffer yard is larger than can be provided.
- (4) Safety considerations require a change.

The applicant shall describe in a letter to the planning department which of the requirements set forth in the manual will be met with modifications which project conditions justify using alternatives, and how the proposed measures equal or

exceed normal compliance. These requests must be approved by the planning and community development director.

SECTION 7: Section 56-37 of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-37. - List of recommended trees and shrubs.

The following lists indicate plantings which will meet the landscaping requirements of this chapter. The lists are by no means comprehensive and are intended merely to suggest the types of flora which would be appropriate for screening and shading purposes. Plants were selected for inclusion on these ~~list~~ lists according to four principal criteria:

- (1) General suitability for the climate and soil conditions for this area,
- (2) Ease of maintenance,
- (3) Tolerance of city conditions,
- (4) Availability from area nurseries.

When selecting new plantings for a particular site, a developer should first consider the type of plants which are thriving on or near that site. However, if an introduced species has proven highly effective for screening or shading in this area, it too may be proper selection.

TREE CHOICES

Evergreen:

American Holly
Austrian Pine
Japanese Black Pine
Norway Spruce
Colorado Blue Spruce
Cherry Laurel

Deciduous:

Eastern Redbud
Flowering Dogwood
~~Bradford Pear~~
Flowering Crabapple
Golden Rain Tree
Purple Plum
Thornless Honeylocust
Littleleaf Linden
Norway Maple
Red Maple
Sugar Maple
Cherry
Gingko
Oak Family

SHRUBS

Evergreen:

Creeping Juniper
Shore Juniper
Pfitzer Juniper
Foster Holly
Helleri Holly
Youpan Holly
Wintergreen Barberry
Japanese Holly
Inkberry Holly
Abelia
Euonymus
Nandina
Viburnum

Deciduous:

Mugo Pine
Viburnum
Cotoneaster
Azalea
Japanese Barberry
Flowering Quince
Spirea
Forsythia
Viburnum

SPACING

Plant size	From corners	From walls	Distance for mass planting
Small	8'	12'	6—12'
Medium	12'	15'	16—30'
Large	16'	20'	30—40'

SECTION 8: Section 56-31(3) of the Code of Ordinances of the City of Springdale, Arkansas, is hereby amended to read as follows:

Sec. 56-38. - Screening.

- (a) Every development shall provide sufficient screening so that neighboring properties are shielded ~~from~~ from any adverse external effects of that development and the development is shielded from the negative impacts of adjacent uses such as major streets or railroads.

Table of Screening Between Incompatible Uses

	Single Family	Duplex	Multi Family	Commercial	Industrial
Single Family	None	Semi-Opaque	Opaque	Opaque	Opaque
Duplex/Townhouse	Broken	None	Broken	Opaque	Opaque
Multi-Family	Opaque	Broken	None	Semi-Opaque	Opaque
Commercial	Opaque	Opaque	Semi-Opaque	None	Broken
Industrial	Opaque	Opaque	Opaque	Broken	None

- (b) Description of screens. The following three basic types of screen are hereby established and are used as the basis for the table of screening requirements set forth above:
- (1) *Opaque screen, type A.* A screen that is opaque from the ground to a height of at least eight feet, with intermittent visual obstructions from the opaque portion to a height of at least 20 feet. An opaque screen is intended to exclude all visual contact between uses and to create a strong impression of spatial separation. The opaque screen may be composed of a wood, masonry, or framed metal wall, landscaped earth berm, planted vegetation, or existing vegetation. See examples below. Materials not allowed for screening walls include plywood, scrap lumber, wood pallets, chicken wire, concertina wire, fabric (which includes plastic, tarps, vinyl, or other sheeting or similar material), chain link slats, or fiberglass panels. Fence posts and supports must be installed on the side of the screening wall that faces the lot being screened. Concertina wire is not allowed when screening between residential uses. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. The opaque portion of the screen must be opaque in all seasons of the year. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The portion of intermittent visual obstructions may contain deciduous plants.
- (2) *Semi-opaque screen, type B.* A screen that is opaque from the ground to a height of three feet, with intermittent visual obstruction from above the opaque portion to a height of at least 20 feet. The semi-opaque screen is intended to partially block visual contact between uses and to create a strong impression of the separation of spaces. The semi-opaque screen may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. Compliance of planted vegetative screens or natural vegetation will be judged on the basis of the average mature height and density of foliage of the subject species, or field observation of existing vegetation. At maturity, the portion of intermittent visual obstructions should not contain any completely unobstructed openings more than ten feet wide. The zone of intermittent visual obstruction may contain deciduous plants.
- (3) *Broken screen, type C.* A screen composed of intermittent visual obstructions from the ground to a height of at least 20 feet. The broken screen is intended to create the impression of a separation of spaces without necessarily eliminating visual contact between the spaces. It may be composed of a wall, fence, landscaped earth berm, planted vegetation, or existing vegetation. The screen may contain deciduous plants.

SECTION 9: All other provisions of Chapter 56 of the Code of Ordinances of the City of Springdale, Arkansas, not specifically amended herein shall remain in full force and effect.

SECTION 10: Emergency Clause. It is hereby declared that an emergency exists and this ordinance being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas, shall be effective immediately upon its passage and approval.

PASSED AND APPROVED this 9th day of February, 2021.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Ernest B. Cate, City Attorney