

CITY OF ARAB, ALABAMA

Ordinance No. 2011 - 1

**AN ORDINANCE TO AMEND THE
ZONING ORDINANCE OF THE CITY OF ARAB.**

The public welfare requiring it, and under authority granted by Chapter 11-52-78 of the Code of Alabama, 1975, as amended, BE IT ORDAINED by the City Council of the City of Arab, that the Zoning Ordinance of the City of Arab, Alabama be amended as follows:

SECTION 1. Upon recommendation of the Arab Planning Commission, the Arab City Council has determined that minimum landscaping requirements for the construction of non-residential and multi-family dwellings located in B-1 (Local Shopping), B-2 (General Business), B-3 (Community Business), and B-4 (Central Business) Zoned Districts are necessary to adequately protect the public health, safety and welfare.

SECTION 2. Section XI of the City of Arab Zoning Ordinance No. 2002-4, is hereby amended to include provisions for landscaping, as defined and described in Attachment A.

SECTION 3. That this ordinance shall be in full force and effect after its passage by the City Council of the City of Arab, Alabama, and publication thereof as provided by law. The City Clerk is hereby ordered and directed to cause this ordinance to be published as required by law.

ADOPTED THIS 7th DAY OF February 2011.

ARTICLE XI**LANDSCAPE REGULATIONS****SECTION 11.1 PURPOSES**

The following landscape regulations are for the purpose of protecting and enhancing the ecological and esthetic environments of the City of Arab. Proper landscaping benefits the City by reducing soil erosion and storm water runoff, glare from vehicles, wind, heat, noise, dust and other offensive conditions. Furthermore, landscaping buffers and screens incompatible land uses, maintains and enhances the character of commercial property, serves to attract potential businesses and developers to the City, and generally creates a safer, more attractive and more pleasant living and working environment for all residents of the City of Arab.

SECTION 11.2 SCOPE

This article does not contain all the regulations and requirements for development activities, design and construction nor does approval of a landscape plan pursuant to the provisions herein serve as a substitute for obtaining and complying with all other applicable city ordinances, building and related codes, zoning restrictions, and other applicable regulations. Without limiting the generality of the foregoing development activities may also require building and related technical permits and inspections, compliance with zoning and subdivision ordinances and regulations. Municipal utilities for water and sewer require compliance with separate ordinances and policies of Arab Water Works and Arab Sewer

SECTION 11.3 DEFINITIONS

The following words, terms and phrases, when used in the Section, shall have the meaning ascribed to them in this section, except when the context clearly requires otherwise:

Caliper: Diameter of a tree trunk. Caliper is used for trees less than 12” in diameter. For trees, less than 4” in diameter it is measured 6 inches from the ground. For trees between 4” and 12” diameter it is measured 12” from the ground.

D.B.H: Diameter at breast height. D.B.H. is used for trees with a diameter greater than 12” and is measured four (4) feet above the ground.

Developed Area: All land area disturbed for the purpose of developing structures, parking facilities, landscaped areas, etc.

Developer: The legal or beneficial owner of a lot or parcel or any land proposed for development and/or inclusion in a development, including the owner of an option, contract to purchase, or lease.

Groundcover: An evergreen or deciduous planting less than 24” in height, turf grass is excluded.

- Monoculture:** A single type and species of planting. This type of planting is prohibited by this code.
- Mulch:** A natural planting material such as pine straw or tree bark used to control weed growth, reduce soil erosion and reduce water loss.
- Parking Lot Island:** A planting island contained completely within the confines of a parking facility. These islands shall be elevated at least four (4) inches in height and bordered by curbing.
- Parallel Planting Peninsula:** A planting island that extends out into the parking area, and is bounded on at least one side by the outer edge of the asphalt or building. These shall be elevated at least four (4) inches in height and bordered by curbing.
- Recommended Tree:** Any one of the trees listed under “Section 11.9 Recommended Trees.” These trees are well suited for the soils-and climate of Arab, Alabama.
- Significant Tree:** Any tree with a caliper of six (6) inches or greater.
- Shrub:** An evergreen or deciduous planting no less than 18” in height.

SECTION 11.4 APPLICABILITY

All rules, regulations, conditions, and requirements set forth in this Section are applicable as follows:

- A. Any new development or construction in a B-1, B-2, B-3, or B-4 zoning district.
- B. An alteration to an existing building(s), development(s), or construction which increases or decreases the amount of gross floor area of a structure or building on a lot by more than sixty (60) percent in a **B-1, B-2, B-3, or B-4** zoned district. The property, which undergoes such alteration, shall be required to come into compliance with all landscaping requirements in place at that time.
- C. Nothing herein shall affect in any way the rights of, or exercise by, any public utility of its present and future acquired rights, to clear trees and other growth from lands used by the public utility. The utility shall cooperate and coordinate with the City of Arab when clearing or pruning of the rights-of-way.
- D. Nothing herein shall reduce the lines of sight and traffic visibility standards adopted by the City. Due consideration should be given to plantings within twenty (20) feet of an intersection along a roadway. In such cases, the City designee

may modify certain height provisions of this code.

SECTION 11.5 GENERAL INFORMATION

A. Trees Located Within the Right-of-Way

1. Trees located within a local right-of-way are property of the City of Arab. The removal of significant trees within the right-of-way is prohibited without written permission of the City designee.
2. "Significant trees" within the right-of-way and abutting the subject property may-be applied toward existing tree credits with approval from the City designee.
3. Any "significant tree" located within a right-of-way that is damaged by a developer, such as because of construction, shall be immediately removed and replaced by the developer. The replacement shall be a similar planting with a caliper of at least 2.5".
4. All care of any "significant tree" within the right-of-way applied towards existing tree credits shall become the responsibility of the property owner. This includes limb pruning, tree removal, etc.

B. Size and Quality Requirements

1. Any Large Tree planted to meet requirements of this Section shall have at least 2"-2.5" caliper. Any Medium Tree or Under story Tree planted to meet requirements of

this Ordinance shall have a caliper between *1.25"* and *1.5"*, except that multi-stemmed Under story Trees shall be between six (6) and eight (8) feet in height. In addition, deviations from the "Recommended Tree List" may be approved through a written request to the City. These plantings may or may not count towards the point total for the property.

2. Tree(s) shall be in a healthy condition at the time of planting.
3. Shrubs planted to meet requirements of this Ordinance shall be at least 18" in height.
4. Grass and other approved appropriate groundcover or mulch; such as pine straw or tree-bark, shall cover all non-paved and non-built "developed areas".
5. Irrigation is not required but is highly recommended. Proper irrigation greatly improves the chances for survival.

C. Basic Landscaping Requirements

1. Trees, plants, and shrubs shall be planted in sufficient quantities to obtain the required number of points for the parcel.
2. "Residential Buffers" may be required.

SECTION 11.6 LANDSCAPE PLANS

A. Landscape plans shall be submitted at the time of application for building permits with other construction plans.

1. Landscape plans shall be submitted on a separate drawing sheet(s) of a standard size (preferably 24" x 36") and drawn to a standard scale (preferably engineer's scale).
2. Landscape plans shall show size and locations of existing trees to be preserved, in addition to type, size and locations of proposed trees, shrubs, and groundcover in relation to any existing or proposed structures, roads, property lines, etc.
3. Landscape plans shall show statistics indicating that all point requirements have been met using the format illustrated in Table 1.
4. Plans outside of the construction area need not be shown on the Landscape Plan.

SECTION 11.7 LANDSCAPE REQUIREMENTS

A. Steps for Approval

Step 1- Determine the number of base points required.

Step 2- Develop a Landscape Plan with plantings in sufficient numbers to

meet the point requirements and with any applicable buffer.

B. Shade Planting Requirements/Point System

Each developed area must equal or exceed a minimum number of “base points” in order to obtain approval. The number of points required depends on the size of the developed area (see Table 1). Different types of plantings are worth different points; Large Trees are worth eleven (11) points, Medium Trees are worth eight (8) points, Understory Trees are worth five (5) points, and Shrubs/groundcovers are worth one (1) point (see Table 2).

The developer may use any combination of plantings to obtain the necessary number of points. Different lots and landscapes will lend themselves to different types of plantings. This ordinance attempts to encourage creativity and diversity in landscaping.

In order to obtain points, the plantings must be placed on the developing property and not on a public right-of-way.

Table 1

Square Footage of the Developed Area*	Number of Points Required
0-20,000	30
20,001-60,000	50

* When only small portions of large lots are developed, (e.g. only one acre of a ten acre lot)

only the immediate construction area shall be considered when determining the number of points required. Contact the Planning Department to determine the immediate construction area.

Alternative formula for determining number of points required for sites greater than 60,000 square feet:

$$\text{Base points } [(X - 10,000)/500] + 30 \text{ \{X=Construction Area\}}$$

Point Values for Various Plantings

Table 2

Type of Plant	Material Minimum Size	Point Value
Large Tree*	2.0" - 2.5" Caliper	11
Medium Tree*	1.25" - 1.5" Caliper	8
Understory Tree*	(Single Trunk) 1.25" - 1.5" Caliper (Multiple Trunk) 6' - 8' Height	5
Shrub or Groundcover	Shrub - 24"	1
Groundcover	1-gallon minimum	

* See Section 11.10 Recommended Tree List

SECTION 11.8 EXISTING TREE CREDITS

In order to encourage the preservation of Arab's older trees, certain requirements relating to the number and density of new trees may be waived in the event existing trees are preserved.

- A. For each existing "Significant Tree" with a D.B.H. between 6" and 10", fifteen (15) fewer points are required. For each existing "Significant Tree" between 11" and 24", twenty (20) fewer points are required. For each existing "Significant Tree" with a D.B.H. over 24", twenty-five (25) fewer points are required. However, precautions must be taken during construction to prevent damage to the existing tree(s), and any tree that dies during or because of construction must be replaced with a similar species or species approved by the City of Arab which equals lost tree points. (e.g. an oak with a D.B.H. of 25" is claimed as an existing tree, but subsequently dies. The developer must replace the tree with tree plantings which exceed 25 points).

- B. Trees for which an owner/developer wishes to receive credit must be in the developed area and cannot be in undeveloped portions of the parcel. This stipulation prevents a developer with a large tract of land from claiming credit on portions left undeveloped and thus eliminating landscaping on the developed portion of the parcel.

SECTION 11.9 – COMPLIANCE

Upon completion of the installation of the landscaping, the Landowner must certify that the landscaping has been installed to meet the minimum requirements of this article.

SECTION 11.10 ALTERNATIVE COMPLIANCE

- A. The landscape requirements are intended to encourage development practices which are conscious of the character of the City and its ecological processes. Conditions associated with individual sites may under certain circumstances warrant approval of alternative methods of compliance. Conditions may arise where normal compliance is impractical or impossible, or where maximum achievement of the purpose and intent of this article can only be obtained through alternative compliance. It is not the intent of this section to allow alternative compliance on the basis of economic hardship. In the event that such conditions are present, the landscape administrator shall have authority to adjust the requirements of this chapter as provided in subsection (b).
- B. Requests for alternative compliance must be made in writing at the time of submittal of the landscape plan for approval by the landscape administrator, when one or more of the following conditions are met:
1. Improved environmental quality would result from alternative compliance.
 2. Topography, soil, vegetation, drainage or other site conditions are such that full compliance is impractical.
 3. Spatial limitations, unusual shaped pieces of property, or prevailing practices in the surrounding neighborhood may justify alternative compliance.

4. Public safety considerations make alternative compliance appropriate.
5. Public improvement projects make alternative compliance appropriate.
6. The site is part of a development for which a master plan has been submitted which makes adequate provision for landscaping.

SECTION 11.11 MAINTENANCE

The owner is responsible for all maintenance and upkeep of planted trees in perpetuity within his/her development. This shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this ordinance.

SECTION 11.12 RECOMMENDED TREES

The following is a list of recommended trees. Generally, these trees are suitable for Arab's environment. Developers may deviate from this list with written approval from the City of Arab designee. The City of Arab shall determine the point values for plantings not listed.

Understory or Ornamental (25' tall or less), 1.25"- 1.5" caliper, 5 points

- | | |
|----------------------|-------------------------------------|
| 1. Eastern Redbud | <i>Cercis canadensis</i> |
| 2. Flowering Dogwood | <i>Corn usflorida</i> |
| 3. Crape Myrtle | <i>Lagerstroemia indica faureii</i> |

Hybrids var. Natchez, Muskogee

- 4. Saucer Magnolia *Magnolia soulangiana*
- 5. Southern Waxmyrtle *Myrica cerifera*

Medium Shade Tree (25'-45' tall), 1.25" - 1.5" caliper, 8 points

- 1. Red Maple *Acer rubrum*
- 2. River Birch *Betula nigra*
- 3. Ginkgo Tree *Ginkgo biloba*
- 4. Southern Magnolia *Magnolia grandiora*
- 5. Sweetbay Magnolia *Magnolia virginiana*
- 6. Ironwood *Ostrya virginiana*
- 7. Sourwood *Oxydendrum aboreum*
- 8. Chinese Pistache *Pistacia chinensis*
- 9. Scarlet Oak *Quercus coccinea*
- 10. Shumard Oak *Quercus shumardii*

Large Canopy Trees (45' tall or greater), 2.0" - 2.5" caliper, 11 points

- 1. Green Ash *Fraxinus pennsylvanica*
- 2. Tulip Poplar *Liriodendron tulipifera*
- 3. White Oak *Quercus alba*
- 4. Overcup Oak *Quercus lyrata*
- 5. Willow Oak *Quercus phellos*
- 6. Japanese Zelkova *Zelkova serrata, var. green vase, village green*
- 7. Bald cypress *Taxodium distichum*
- 8. Chinese Elm *Ulmus parvifolia, var.: drake, athena*

SECTION 11.13 VIOLATION

Any person, firm, or agent who shall violate a provision of this chapter as defined herein shall be guilty of a misdemeanor and, unless otherwise provided herein, shall, upon conviction or adjudication of guilt, be punished in accordance with the provisions of § 1-8 of the City Code of Ordinances.

SECTION 11.14 PUBLICATION

The City Clerk of the City of Arab is hereby ordered and directed to cause this ordinance to be published and that a copy of this Ordinance be entered upon the Minutes of the meeting of the City Council.

SECTION 11.15 EFFECTIVE DATE OF ORDINANCE

This ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force immediately after passage and shall continue in full force and effect from month to month and year to year from its effective date until repealed. The provisions contained herein shall not apply to the completion of a development that on or before the effective date has a current land development permit or current building permit, or to the completion of a planned unit development with final approval, but shall apply to redevelopment, change of use, or expansion of such development pursuant to section 11.4 (b). However, if the land development or building permit or approved planned unit development lapses or expires, all provisions contained herein shall apply.