

2001-8

ORDINANCE ~~01~~ \_\_\_\_\_

Be it Ordained by the City of Wetumpka, Alabama that the Zoning Ordinance for the City of Wetumpka, Alabama, Ordinance 99-4, adopted and approved August 16, 1999 by the Wetumpka City Council, be and is hereby amended to include the following Article:

Section 1.

**ARTICLE XIII. BUFFER YARDS AND PARKING LOT LANDSCAPING**

**Section 130.0 Purpose**

This Article is adopted to:

- A. Establish criteria for landscaping off-street parking areas in order to protect and preserve the appearance, character and value of surrounding properties, and thereby promote the general health, safety and welfare and overall quality of life for the Citizens of the City of Wetumpka;
- B. Require planting and preservation of trees and other landscape elements to improve the appearance of commercial, industrial and multi-family residential off-street parking areas and promote the City of Wetumpka as an attractive trade and service center;
- C. Preserve private property values by improving the appearance of land adjacent to rights-of-way and other public properties;
- D. Insulate public rights-of-way and adjoining residential properties from noise, glare, overall visual impact and other distractions originating from off-street parking areas;
- E. Partition large off-street parking areas with planting islands and peninsulas;
- F. Provide safer vehicle and pedestrian circulation within off-street parking areas and along public rights-of-way.

**Section 131.0 Scope of Application**

This landscape ordinance shall apply to all developments, except single family residences and single family residential subdivisions and developments for which the preliminary plans were approved by the county commission or the City of Wetumpka prior to the enactment of this ordinance. This ordinance shall also apply to any and all areas constructed as expansion or extensions of existing parking lots, but shall not be deemed to apply to parking lots existing or for which site plans have been submitted to the City of Wetumpka at the time of the adoption of this ordinance.

## Section 132.0 Definitions

*Berm:* A raised mound of earth designed to provide visual interest or screening.

*Buffer Yard:* The combination of physical space and vertical elements, such as plants, berms, fences and walls; located along the outer perimeter of a lot or parcel and extending to the lot or parcel boundary line. Buffers shall not be located on any portion of any existing dedicated public or private street or right-of-way, but may include easements, at the discretion of the Planning, Water, Sewer and Engineering Departments.

*Industrial Park:* Refers to a development with limited access intended to be used solely for industrial and manufacturing purposes.

*Landscaping:* The treatment of grade, groundcover, vegetation and ornamentation for a given area. Landscaping shall include plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

*Multi-family Residential:* Refers to a building or development made up of individual structures designed and intended to house more than one family per structure.

*Ornamental Tree:* Refers to an evergreen or deciduous woody perennial plant having a main stem or several main stems, which attains a minimum height of 15 feet at maturity with few or no branches on its lower part. Examples of preferred ornamental trees include: pear, cherry, Kouza dogwood, crape myrtle, plum, crab apple. The following ornamental trees shall not be used to comply with the requirements of this Article: redbud, mimosa, chinaberry, princess tree, mulberry, willows, and sassafras.

*Outparcel:* A parcel of land within a larger development that is developed as a site for a separate stand-alone building with its own separate parking.

*Parking Area:* The off-street area of a development used for parking spaces and aisle ways.

*Parking Lot:* Any off-street parking area where vehicles will be parked, serviced or stored.

*Parking Space:* An accessible space permanently reserved for the temporary storage of one vehicle, connected with a street by a driveway or an alley, having a minimum area of not less than one hundred sixty two square feet, a minimum width of nine feet, and a minimum length of eighteen feet, exclusive of driveways and maneuvering areas.

*Shade Tree:* Refers to an evergreen or deciduous woody perennial plant having a main stem which attains a minimum height of 25 feet at maturity with few or no branches on its lower part. Examples of preferred shade trees include: oak, ash, maple, sycamore, tulip poplar, male ginkgo, magnolia, black gum, bald cypress, and Chinese elm. The following shade trees shall not be used to comply with the requirements of this Article: box elder, silver maple, Tree-of-Heaven, catalpa, cottonwood, native elms, live oak, blue and red spruces. Shade trees with at least a 4 inch caliper at one foot above the ground which exist prior to development and are maintained and incorporated into the landscaping required under this Article shall receive credit for 1.5 shade trees required under this Article.

*Shrub:* Refers to an evergreen or deciduous woody perennial plant consisting of several small stems from the ground or small branches near the ground, and is smaller than a tree. Examples of preferred upright shrubs include dwarf Yaupon holly, Indian hawthorn, Andorra juniper, Parsons juniper, Japanese wintergreen boxwood, and Thunberg red barberry. Examples of preferred spreading shrubs include blue rug creeping juniper, Asian star jasmine, and Anthony Waterer spirea. The following shrubs shall not be used to comply with the requirements of this Article: holly, nandina, golden euonymus, and red tip photinia.

*Single-family Residential:* Refers to a building or development made up of individual structures designed and intended to house no more than one family per structure.

### **Section 133.0 Buffer Yard**

A. A buffer yard with a minimum width of 15 feet and running the entire length of the abutting property line is required at any of the following developments :

1. Any development constructed adjacent to an existing single-family residential development that is not itself intended for use as single family residential.
2. Any development constructed adjacent to an existing multi-family residential development that is not itself intended for use as single-family or multi-family residential.
3. Any multi-family residential development constructed adjacent to an existing commercial development.

For Section 133, the term "existing" shall include developments for which the preliminary plans have been approved by county commission or the City of Wetumpka.

This Section 133.0 shall be applicable regardless of zoning.

B. The buffer yard shall include an eight (8) feet high visually impervious screen. Chain link fence shall not be used within the buffer yard. A berm or a non-chain link fence, or a wall, or vegetation, or any combination thereof may be used for the screening.

C. The buffer yard shall include one shade tree every fifty (50) linear feet of property line, planted on center. The buffer yard shall also include four ornamental trees within every one hundred (100) linear feet, not necessarily planted on center. This paragraph shall not be construed as requiring the planting of ornamental trees on twenty-five (25) foot centers, but at least four ornamental trees shall be provided within each one hundred (100) linear feet interval.

D. The buffer yard shall include ten (10) shrubs for every one hundred (100) linear feet of property line. Shrubs may be clustered, but at least ten shrubs shall be provided within each one hundred (100) linear foot interval.

#### **Section 134.0 Landscaping at Public Rights-of-Way**

A. Any parking area bordering a public right-of-way shall provide a ten (10) feet minimum width landscape strip along the entire length of the abutting right-of-way exclusive of areas used for ingress and egress to and from the said parking area.

B. The landscape strip shall include a minimum of 1 evergreen shrub every four feet on center with a minimum height of thirty (30) inches. The said shrubs shall be a minimum of eighteen (18) inches tall at the time of installation and shall achieve a height of thirty (30) inches within two years of installation.

C. A combination of berms and groundcover or other plant material may be substituted for the evergreen shrubs provided that the combined height of the berms and/or groundcover is a minimum of thirty (30) inches high.

D. In addition to the requirements of 134.0 (B) or (C) above, the landscape strip shall include a minimum of one (1) shade tree for every fifty (50) linear feet of abutting right-of-way. This paragraph shall not be construed as requiring that said shade trees be planted fifty (50) feet on center. The shade trees may be clustered or grouped as long as the required number of trees are planted within the landscape strip abutting the right-of-way.

E. Ornamental trees may be substituted for shade trees at a ratio of two ornamental trees for each shade tree.

F. No fence, wall, shrubbery, or other landscaping required under this Article, or other obstruction to vision between 2 ½ and 12 feet shall be permitted within 20 feet of the intersection of the right-of-way lines of two streets or railroads or of a street and a railroad. Any tree branches or other landscaping material overhanging a public right-of-way shall be trimmed to a height of 15 feet such that no obstruction extends beyond the back of the curb or edge of paving.

G. Right-of-way landscaping under this Section shall not be required within a publicly or privately developed industrial park if it is developed such that the roads within the industrial park receive no through traffic (i.e. if the only traffic expected within the park is that necessary for the business purposes of the businesses within the park). Right-of-way landscaping shall be required, however, where the industrial park abuts a county or state right-of-way.

### **Section 135.0 Perimeter Landscaping**

A. A perimeter landscape strip at least five (5) feet wide shall be illustration in the site plan and planted within the development site around the entire perimeter of the development, except in the following circumstances.

1. Perimeter landscaping may be eliminated at any areas more than 35 feet beyond an imaginary line drawn from the two building corners located farthest from the public right-of-way and drawn parallel to the public right-of-way to the property lines.
2. An outparcel shall provide a minimum three (3) feet wide landscape strip. This width shall represent the minimum total combined width of the landscape strip between the larger parcel and the outparcel.
3. Perimeter landscaping may be eliminated between phases of a phased development provided that the entire phased development is originally submitted for review as a single development plan.
4. Perimeter landscaping shall not be required along an adjoining property line where a buffer yard is required and constructed in accordance with Section 133.0.
5. Perimeter landscaping shall not be required along a public right-of-way where right-of-way landscaping is required and constructed in accordance with Section 134.0.
6. Perimeter landscaping shall not be required within a publicly or privately developed industrial park if it is developed such that the roads within the industrial park receive no through traffic (i.e. if the only traffic expected within the park is that necessary for the business purposes of the businesses within the park).

B. The perimeter landscape strip shall include a minimum of 1 evergreen shrub every four feet on center with a minimum height of thirty (30) inches. The said shrubs shall be a minimum of eighteen (18) inches tall at the time of installation and shall achieve a height of thirty (30) inches within two years of installation.

C. A combination of berms and groundcover or other plant material may be substituted for the evergreen shrubs provided that the combined height of the berms and/or groundcover is a minimum of thirty (30) inches high.

### Section 136.0 Interior Parking Landscape Requirements

A. Planting islands and/or peninsulas shall be provided for any off-street parking area greater than fourteen thousand (14,000) square feet (not including the area of perimeter landscaping, the landscaping at public rights-of-way, and buffer yards). The minimum percentage of interior landscaping required shall be as provided below:

Parking Area greater than (SF)	% required
14,000	2.00%
17,500	2.04%
21,000	2.09%
24,500	2.13%
28,000	2.17%
31,500	2.22%
35,000	2.26%
43,750	2.37%
52,500	2.48%
61,250	2.59%
70,000	2.70%
87,500	2.91%
105,000	3.13%
122,500	3.35%
140,000	3.57%
157,500	3.78%
175,000	5.00%
350,000	7.00%

B. Each island or peninsula, in order to apply toward the total interior landscape requirements, shall be at least one hundred (100) square feet in area and shall be at least eight (8) feet in its least dimension measured from the back of curb to back of curb.

C. Islands and peninsulas in interior landscaped off-street parking shall be as uniformly distributed as practicable, to subdivide large expanses of parking areas, to regulate traffic flow, to protect pedestrians, and to permit access by emergency vehicles. When practicable, islands and/or peninsulas shall be placed at the ends of rows of parking spaces, between the circulation drives and parking rows or around the base of light standards to channel traffic safely around the parking areas and to demarcate parking rows.

D. The interior landscaped area shall contain at least an average of one (1) shade tree per four hundred (400) square feet of landscaped area or one (1) ornamental tree per one hundred (100) square feet of landscaped area. The interior landscaped area shall also contain at least four (4) shrubs per one hundred (100) square feet.

E. Interior parking landscaping shall not be required within a publicly or privately developed industrial park if it is developed such that the roads within the industrial park receive no through traffic (i.e. if the only traffic expected within the park is that necessary for the business purposes of the businesses within the park).

**Section 137.0 Enforcement and Penalties**

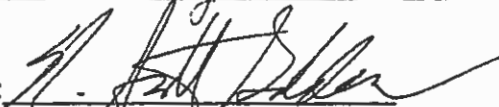
A. Except as otherwise set out in this Section, this Amendment shall be administered and enforced in accordance with Article IX, Sections 90.0 through 99.2 of this Ordinance.

B. In the event that any of the plant material required under this Section dies or becomes damaged in such a way that it fails to perform as intended under this Section, the owner shall have thirty (30) days after notification by the office of the Building Inspector for the City of Wetumpka in which to replace or otherwise repair said plant material such that it performs as intended under this Section. The Building Inspector shall have the discretion to delay the start of the above thirty (30) day period until the beginning of the next subsequent planting season.

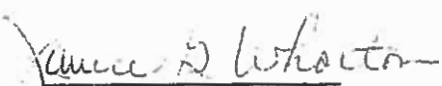
**Section 2.**

This Ordinance shall become effective immediately upon its adoption and publication as provided by law.

ADOPTED AND APPROVED this the 20 day of August, 2001.

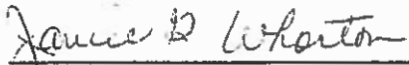
Signed:   
R. Scott Golden  
Mayor

ATTEST:

  
Janice G. Whorton  
City Clerk

CERTIFICATE AS TO PASSAGE

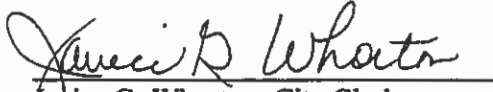
I, THE UNDERSIGNED City Clerk of the City of Wetumpka, Alabama, do hereby certify that the above and foregoing ordinance was duly approved and adopted by the Council of the City of Wetumpka, Alabama, on the August 20, 2001.

  
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Janice G. Whorton, City Clerk

CERTIFICATE AS TO PUBLISHING

I, THE UNDERSIGNED City Clerk of the City of Wetumpka, Alabama, do hereby certify that the above and foregoing ordinance has been published in the *Wetumpka Herald*, Wetumpka, Alabama, as required by law.

Published: Date: 10-11-2001.

  
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Janice G. Whorton, City Clerk

APPROVED:

  
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R. Scott Golden, Mayor