

ORDINANCE NO. 10143

AN ORDINANCE AMENDING CHAPTER 30, "UNIFIED DEVELOPMENT ORDINANCE", OF THE CODE OF THE CITY OF LIBERTY, CLAY COUNTY, MISSOURI

BE IT ORDAINED by the City Council of the City of Liberty, Missouri, Clay County, Missouri as follows:

SECTION I

That Section 30-17 is hereby added to as follows:

Section 30-17 – Definitions

Tree, large growing: Any tree with a mature height of 40 feet or taller

Tree, small growing: Any tree with a mature height less than 40 feet

Shrub: A low woody perennial plant having several major stems arising at or near the ground with a mature height of less than 15 feet

Perennial: An herbaceous plant lacking permanent woody structures including grasses and flowers

SECTION II

That Section 30-93.6 is hereby added to as follows:

Section 30-93.6 – Design Standards, Lots

- (9) Residential lots in zoning districts R-1C through R-4 inclusive shall contain within the front yard a minimum of one (1) tree, which may be large or small-growing; two (2) perennials; and three (3) shrubs per dwelling unit.

SECTION III

That Section 30-95 (6) is hereby deleted in its entirety and a new Section 30-95 (6) is hereby added as follows:

Sec. 30-95. - Improvement requirements

- (6) Street trees shall be required in accordance with the following criteria:
  - a. For all residential districts, a minimum of one street tree shall be planted within the planting strip for each lot created;

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- b. In the case of corner lots, a minimum of two (2) street trees, one per street, shall be planted;
- c. For all commercial and industrial districts, a minimum of one street tree shall be planted within the planting strip for each fifty (50) feet of linear frontage;
- d. All trees shall be a minimum of 1.5-inch caliper at the time of planting, shall be taken from the City's approved tree list, and shall be planted in conformance to city policies and the provisions of this UDO;
- e. Street trees shall be maintained in accordance with accepted tree maintenance practices and city policies;
- f. Approval for the removal of a street tree due to disease, deterioration or other natural causes shall be granted by the city prior to the tree being removed; and
- g. All required street trees shall be planted prior to the approval of a final certificate of occupancy.

SECTION IV

That Section 30-97.4 is hereby deleted in its entirety and a new Section 30-97.4 is hereby added as follows:

Section 30-97.4. Development and design standards, landscaping.

To ensure that new development preserves and enhances the natural beauty of Liberty by including trees, shrubs and colorful plants; promotes the health and safety of Liberty citizens by improving air quality, reducing storm water runoff and flooding and; provides a safer, more pleasant and attractive environment that increases property values, attracts potential residents, visitors, and businesses; site landscaping shall be designed in accordance with the following standards. Owners and developers are encouraged to exceed these minimum standards and include annual flowers for color.

- (1) Landscape design, including planting locations and the coordination of species, shall be used to enhance the visual character of a development and neighborhood. A variance may be granted by the City Council in accordance with Section 30-21.11 of this UDO to allow hardscape, art, or water features in lieu of certain landscaping requirements.
- (2) Landscaping within and around a parking lot shall be provided in accordance with the following minimum standards and sight distance regulations as found in Section 30-44(12) of this UDO:
  - a. Large growing trees shall be planted one per ten (10) parking spaces. These trees may be planted within landscape islands, buffer areas, or open space.
  - b. Small growing trees shall be planted one per fifteen (15) spaces. These trees may be planted within landscape islands, buffer areas, or open space.
  - c. One shrub shall be planted for every two (2) parking spaces. These shrubs may be planted within landscape islands, buffer areas, or open space. Consideration should be given toward snow clearing operations and public safety.
  - d. Islands used for tree planting shall have a minimum area of 125 square feet and a minimum width of 7 feet.

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- e. Parking lots that exceed 200 stalls shall have a minimum of thirty (30) percent of trees and twenty (20) percent of shrubs required under this paragraph to be planted in tree islands.
- (3) Large growing street trees shall be required along the property's frontage with any public or private street or drive in accordance with the following minimum standards and sight distance regulations as found in Section 30-44(12) of this UDO:
- a. For all local streets, collector streets, and arterials, one tree per fifty (50) linear feet shall be planted, except where the planting of a tree shall interfere with safe vehicular or pedestrian access. If the planting of large growing street trees interferes with overhead utility lines, small growing trees may be planted at a frequency of one tree per thirty-five (35) linear feet. The City Tree Board maintains a list of acceptable street trees.
  - b. For all private drives, one tree per fifty (50) linear feet shall be planted along the property's frontage, where possible, or may be planted elsewhere on site.
- (4) In addition to the parking lot landscaping and street tree requirements, open space areas shall be landscaped in accordance with the following:
- a. For every three thousand (3,000) square feet of building area, at least one large growing tree shall be required. Two (2) small growing trees may be planted instead of one (1) large growing tree.
  - b. At least one (1) shrub shall be planted for every two hundred fifty (250) square feet of building area. In no case shall more than four hundred (400) shrubs be required; however, developers are encouraged to exceed these minimum standards.
- (5) All required landscaping shall be planted according to the approved landscaping plan prior to the approval of a final certificate of occupancy.
- (6) Plant selection shall adhere to the following requirements and specifications:
- a. Street trees shall be selected from the city Tree Board's list of approved street trees and planted in accordance with the city's tree planting guide. Trees used for landscaping within or around parking lots or open spaces shall be selected with consideration to the city's list of prohibited trees and invasive species.
  - b. Trees, shrubs, and perennials shall be hardy in the USDA Cold Hardiness Zone of 6a, which is -5 degrees Fahrenheit to -10 degrees Fahrenheit. Trees, shrubs, and perennials should be hardy in the American Horticultural Society Heat Zone of 7.
  - c. The preferred planting season is September through June.
  - d. Nursery stock shall meet the most current version of the American Standard for Nursery Stock, and shall be selected in accordance with the following minimum provisions:
    - 1) Large growing trees: 1.5-inch caliper, measured one foot above grade.
    - 2) Small growing trees: 1.5-inch caliper, measured one foot above grade.
    - 3) Conifers and evergreens: five (5) feet in height.
    - 4) Shrubs: 3-gallon container.

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- 5) Perennials: 1-gallon container. Plugs may be used only in bioswales or stormwater detention areas at a ratio of three (3) plugs for every one (1) gallon perennial.
  - 6) Up to half of the required shrubs may be substituted for perennials at a minimum ratio of three (3) perennials for every one (1) shrub required.
- (7) Existing trees on site may be credited against required trees for the building only. Credit may be granted at the rate of three (3) required trees per existing tree retained of eight (8) inches caliper or greater.
- a. To be eligible for credit, existing trees must be in a healthy condition and be properly protected during construction.
    - 1) Protective fencing shall be placed along the drip lines of trees or tree groupings to protect the critical root zone from potential damage. No excavation, trenching, construction, driving of vehicles or equipment, storage of materials, or other activity may occur within the fenced area.
  - b. Credit for existing trees shall not count toward trees required for parking lots or street trees.
  - c. Any existing trees credited under this provision shall not be credited toward replacement trees required under Section 30-97.4(10)(a).
  - d. Credit may be given for existing wetlands, prairies, or the natural features that are maintained at the discretion of the city.
- (8) The developer, its successor, and/or subsequent owners of a development shall be responsible for the maintenance of landscaping on a continuing basis for the life of a development in accordance with the approved landscape plan. If the property owner desires to install new landscaping, an amended landscape plan may be approved administratively. All trees, plant material, and landscaping shall be maintained in good condition. If the city determines such trees, plant material, or landscaping to be in violation, it may be ordered that the same be abated by replacing such trees, plant material, or landscaping. If the violation is not abated or otherwise addressed within sixty (60) days, the city may remove and replace the nuisance, or cause the removal and replacement of the nuisance, and charge the owner for the abatement costs thereof.
- (9) All land areas not covered by buildings or to be left unpaved shall be brought to finished grade and planted in sod, native grasses, or other appropriate ground covers, except where approved to be preserved as natural areas, riparian protection areas, or other ecological or indigenous features. This shall include any soil disturbance outside the project site.
- (10) The preservation of existing trees and vegetation is encouraged.
- a. Each existing tree with a diameter of eight (8) inches or more, measured at four and a half (4.5) feet above grade, that is removed shall be replaced with two (2) one and a half (1.5) inch caliper large growing trees, measured one (1) foot above grade. Trees that are determined to be unhealthy or are located where they could cause a safety hazard shall not be replaced. Any such replacement trees shall be required in addition to the landscaping design standards set forth in this UDO.

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- b. For each tree with a diameter of eight (8) inches or more that is retained on site, the developer shall be credited against the replacement required at a rate of two (2) trees per eight (8) inches of tree saved. Preserved trees shall be protected from construction damage with the erection of a fence at the drip line or further out, if possible. Protective fencing shall be removed only after all construction has been completed, including final grading.
- c. If, through the development review process, the City determines that the site cannot accommodate the number of required replacement trees, the developer shall, prior to final occupancy, provide an equivalent fee-in-lieu of trees to a dedicated parks tree account. The fee per tree shall be posted in the City's Schedule of Fees. The fee-in-lieu shall be used for the future planting of trees in parks, rights-of-way, and public spaces, the location of which shall be determined by the Director of Parks and Recreation. When a fee-in-lieu of trees provision exists and a variance is granted in accordance with Section 30-21.11, the developer may receive a dollar for dollar credit for investment in public art in the City of Liberty when such art is deemed to be of public value by the Arts Commission and the City Council. Aforementioned art may or may not be located on the development site.

SECTION V

This ordinance shall be in full force and effect from and after its passage by the City Council and approval by the Mayor.

PASSED by the City Council this 16 day of December, 2013.

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MAYOR

ATTEST:

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DEPUTY CITY CLERK

APPROVED by the Mayor this 16 day of December, 2013.

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MAYOR