

## ORDINANCE NO. 15-26

AN ORDINANCE PERTAINING TO BUILDINGS AMENDING SECTION 6-1-5-186, LANDSCAPING PROVISIONS, CHAPTER 6, LAWTON CITY CODE, 2005, AMENDING GROUND COVER MATERIAL; ESTABLISHING LANDSCAPING AND SCREENING REQUIREMENTS FOR CERTAIN DEVELOPMENTS ADJACENT TO R-1 (SINGLE-FAMILY DWELLING DISTRICT) AND R-2 (TWO-FAMILY DWELLING DISTRICT) AND SINGLE-FAMILY AND TWO-FAMILY RESIDENTIAL USES; AMENDING THE LANDSCAPING PLAN CONTENT; AND PROVIDING FOR SEVERABILITY.

BE IT ORDAINED by the Council of the City of Lawton, Oklahoma, that:

SECTION 1. Section 6-1-5-186 is hereby amended to read as follows:

### **6-1-5-186 - Landscaping provisions.**

- A. Purpose: The purpose of these regulations is to require landscape elements, particularly plant materials, within proposed developments in an organized and harmonious fashion that will enhance, protect and promote the economic and aesthetic environment of the City of Lawton, and provide for the prosperity, comfort and enjoyment of its citizens. The city recognizes the value of landscaping in achieving the following goals:
1. Promote the re-establishment of vegetation in urban areas for health, ecological and aesthetic benefits.
  2. Provide new planting in concert with natural vegetation and careful grading.
  3. Encourage the preservation of existing trees.
  4. Promote compatibility between land uses by reducing the visual, noise and lighting impacts of development on users of the site and abutting properties.
  5. Unify development, and enhance and define public and private places.
  6. Provide an overall planting scheme that will:
    - a. Reduce soil erosion, and the volume and rate of discharge of storm water runoff.
    - b. Aid in energy conservation by shading and sheltering structures from energy losses caused by weather and wind.
    - c. Mitigate the loss of natural resources.
    - d. Provide visual screens and buffers that mitigate the impact of conflicting land uses to preserve the appearance, character and value of existing neighborhoods.
    - e. Provide shade, comfort and seasonal color.
    - f. Reduce glare, noise and heat.
    - g. Provide greater perceptual clarity along major streets and roads by more consistent planting of properly sized street trees.
  7. It is further recognized that good landscaping attracts potential residents and businesses to Lawton, and creates a safer, more attractive and more pleasant living and working environment for all residents and visitors of Lawton.
  8. These regulations are intended as minimum standards for landscape treatment. Owners and developers are encouraged to exceed this standard in seeking more creative solutions, both for the enhanced value of their land and for the collective health and enjoyment of all citizens of Lawton.

B. Scope and applicability: All applicants for building permits to construct new buildings and/or parking areas or to expand existing buildings and/or parking areas within R-3 (Multi-Family Dwelling District), R-4 (High Density Apartment District), P-O (Professional Office District), P-F (Public Facilities District), C-1 (Local Commercial District), C-2 (Planned Neighborhood Shopping Center District), C-3 (Planned Community Shopping Center District), C-4 (Tourist Commercial District), C-5 (General Commercial District), CBD (Central Business District), and to construct or expand new private schools and churches, and/or any parking areas associated with same in any zoning district except industrial districts shall be required to meet the provisions of this article. However, the provisions of this article do not apply to the construction or expansion of one and two family residential dwellings or accessory structures, regardless of the zoning district in which they are located.

C. Regulations:

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2. Landscape point system.

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- g. A maximum of twenty-five percent (25%) of the required points may be used for turf grass, river rock or other ground cover, and a maximum of fifty percent (50%) of the ground cover in any yard area may be non-live materials. Decomposed granite and other crushed stone material may only be used as ground cover when specifically approved by LETA.

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5. Additional landscaping requirements:

- a. ~~Any development which includes a loading area, other high impact area or a building exceeding two (2) stories in height that are adjacent to any one- or two-family residential district or use must include a fifteen-foot tree buffer consisting of evergreen trees with a minimum height of nine (9) to ten (10) feet at the time of planting, with a minimum mature height of not less than thirty (30) feet, spaced at the minimum recommended spacing for the species used~~ tree buffer with a minimum of one-half (0.5) point per linear foot of the entire length of each lot line that is adjacent to the one- or two-family residential district or use with all trees being placed within twenty-five (25) feet of said lot line. A minimum of fifty percent (50%) of the trees shall be evergreen trees. All deciduous trees shall be a minimum size of three-inch (3") caliper and evergreen trees shall be nine feet to ten feet (9' - 10') tall at planting. When the development is separated from the one- or two-family residential district or use by a dedicated alley, the required points for the tree buffer may be reduced by fifty percent (50%). The points required for a tree buffer shall be rounded to the nearest whole tree requirement. The tree buffer shall not be located on a dedicated alley or utility easement. This tree buffer shall be in addition to the six- to eight-foot opaque fence and shall be in

addition to the site and parking lot points required for the project; however, additional plant material placed within the ~~fifteen-foot~~ tree buffer may count toward the required landscaping point requirement, subject to any other provisions of this article.

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7. ~~Building façade improvements in lieu of landscaping Appeals.~~
  - a. When based on the unusual size, shape, topography, or unique geographic location of the tract proposed for development, full compliance with this article will create an undue hardship, the applicant for a building permit may make application to:
    - 1) substitute significant improvements to the exterior façade of the building(s) within the development in lieu of providing landscaping for up to fifty percent (50%) of the requirement;
    - 2) disperse the required landscaping in locations on the site other than as required by this section; or
    - 3) in special cases, reduce the number of landscaping points required.
  - b. For the purposes of this section, the term "significant improvement" shall mean modifications to the exterior façade of the building including the use of upgraded architectural materials and treatments such that the appearance of the building is substantially enhanced beyond minimum requirement.
  - c. The director of planning shall review the application and provide a written decision regarding the request. Should the builder/developer disagree with the decision of the director of planning, they may file an appeal to the ~~building materials review committee, planning commission~~ as set forth in Section 18-4-1-406 of this code paragraph C. 9 of this section. ~~The building materials review committee shall consider the appeal within fourteen (14) calendar days from the date of receipt of same. Additionally, should the builder/developer disagree with the decision of the building materials review committee they may further appeal the decision to the city planning commission. Following action by the city planning commission, the applicant may further appeal the decision to the city council.~~
8. A certificate of occupancy, for any use, shall not be issued until the required landscaping has been installed, inspected and approved in accordance with the landscape plan, except that if the building structure and all other site improvements are complete, and the building official determines that the current season of the year is not conducive to sustaining life for newly planted materials, the time for compliance with these provisions may be extended for not more than one hundred twenty (120) days, and a temporary certificate of occupancy may be issued. If the required landscaping has not been completed within the required time, the property owner shall be in violation of this chapter and subject to the penalties set forth herein.
9. If an applicant disagrees with a decision of the director of planning relating to this section of code, they may appeal the decision to the city planning commission. The city planning commission shall consider the appeal at the next regularly scheduled meeting. Following action by the city planning commission, the applicant may further appeal the decision to the city council.

10. Landscape inspections are subject to an inspection fee, as provided in the fee schedule. No landscape project shall be considered complete or final until all inspection fees have been paid.
- D. Submittal requirements: At the time of submission for a building permit, a landscape plan, separate and apart from other required plans, shall be submitted and made a part of the file.
  1. Preparation of plans. Landscape plans may be prepared by any of the following:
    - a. A landscape architect registered in the State of Oklahoma.
    - b. A licensed architect or professional engineer licensed in the State of Oklahoma, provided the services are incidental to the performance of his or her normal practice as an architect or engineer.
    - c. Any person; provided the plan is limited to plant specification and placement only.
  2. Landscape plan content. All landscape plans shall include the following information:
    - a. North arrow and scale.
    - b. The location of existing property lines and dimensions of the tract, accurately drawn to scale.
    - c. Exact locations and outline of all rights-of-way, both existing and proposed.
    - d. The location of all existing and proposed buildings, and parking areas, including the exact number of parking spaces provided.
    - e. The location and size of any permanent fixture or structure including, but not limited to, sidewalks, walls, fences, trash enclosures, project storage, lighting fixtures, signs and benches, which are relevant to the landscape plan.
    - f. The location, size and type of all above-ground and underground utilities with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping. Alternatively, a letter of no objection provided by the utility company may be provided.
    - g. The location, size, type, spacing (on center), and quantity of all proposed plant materials and existing plant materials credited for points shall be graphically represented and referenced within the plan view of on the plan by a common and scientific name, or along with an appropriate key of all plant species giving the common and scientific name and organized by type (e.g. ground cover, shrub species, tree species) and nature (e.g. evergreen, deciduous).
    - h. Indicate the method of irrigation on plans and define the area of coverage. If an automatic irrigation system is not required, the location of all hose connections and other watering sources shall be noted.
    - i. All required screening, with reference to height and type of construction.
    - j. A calculation of the site and parking lot landscaping points required, including the square footage of the developed area and number of proposed parking spaces.
    - k. A table listing all plant materials by scientific and common name, size, type, quantity, point value and total of landscaping points provided.

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SECTION 2. Severability. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent

jurisdiction, said portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this ordinance.

ADOPTED and APPROVED by the Council of the City of Lawton, Oklahoma, this 8<sup>th</sup> day of September, 2015.

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FRED L. FITCH, MAYOR

ATTEST:

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TRACI HUSHBECK, CITY CLERK

APPROVED as to form and legality this \_\_\_\_ day of \_\_\_\_\_, 2015.

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CITY ATTORNEY