

CITY OF BLOOMFIELD
Ordinance # 412

An Ordinance AMENDING Bloomfield Municipal Code, Appendix C. Zoning Supplementary District Regulations, amending Article 14 Landscaping Rules and Regulation, to read as follows:

Purpose:

To promote and preserve visually attractive surroundings by enhancing the beautification of the city, reduce soil erosion, storm water runoff and improve the quality of the environment of the city. Have development in an attractive and high quality manner that will further improve the quality of life. Therefore, landscaping shall be required and maintained as set forth herein.

The style of landscaping is not described; however indigenous and/or drought tolerant trees and plants are strongly recommended. All landscaping shall be adaptable to the climate of this area.

1. Landscaping Requirements:

- a. All new construction or development within, Community Commercial, Neighborhood Commercial, Limited Industrial and Heavy Industrial zoning districts, shall be required to have an area of not less than 2 percent nor more than 10 percent of the site, (lot or tract of land) to be landscaped. The landscaping must occur prior to the occupancy certificate being issued, unless an agreement has been reached and approved by city staff.

Community Commercial, Limited Industrial and Heavy Industrial zoning districts, with property fronting any city street shall be required to landscape an area of not less than 10% of the property along street frontage. This area, shall exclude the building foundation, fenced storage area and sidewalks.

In addition to the above, any modifications to existing structures or site area located in a Neighborhood Commercial, Community Commercial, Limited Industrial and Heavy Industrial, with a value of thirty thousand dollars or more, shall allow for 10% of the modification area to be landscaped.

2. Definitions:

a. Landscaping Guideline:

The planting and maintenance of live plants and inorganic and manufactured materials including trees, shrubs, ground cover, flowers, or other low growing plants that are native or adaptable to the climatic conditions. In addition, the landscape design may include limited inorganic and manufactured materials such as bricks, fountains, benches and other types of outdoor furniture.

b. Landscaping Plan:

An accurate plan, drawn to scale, one (1) inch equals fifty (50) feet, drawn on at least a 24-inch by 36-inch sheet, which outlines all proposed areas to be covered with impervious materials, proposed planting beds and vegetative ground cover area, specifies the location, size and species of all proposed trees and shrubs.

c. Trees: Minimum size at time of planting

Shall be 7 feet in height and have a 1 inch in diameter trunk. A multi-trunk tree shall have not less than 3 one-inch diameter trunks. A minimum of 2 live trees shall be provided for every five hundred (500) square feet of required landscaped area. The diameter of the trunk shall be taken 2 feet above grade.

d. Shrubs:

Shall mean 1 gallon size, which are approximately 1 foot in height and 1 foot in width at time of planting. A minimum of 10 shrubs shall be provided for every five hundred (500) square feet of required landscaped area. Shrubs shall be perennial plants that do not die after one growing season.

e. Ground cover:

Shall mean low shrubs, annual or perennial flowers, grasses, decorative bark and/or decorative stone, but does not include asphalt, concrete or soil which is exposed and untreated. All portions of the required landscaped area that are not covered by trees or shrubs shall be landscaped with ground cover.

f. Buffer/Screen Landscaping:

A strip of land established by landscaping, berm, fences, walls or combination thereof that blocks, in a continuous manner the view from one area to another, to protect one type of land usage from another with which may be incompatible, (ie; commercial and residential).

3. Landscaping and sidewalks within public right-of-way:

a. Landowners are encourage to landscape areas within the non-paved public right-of-way abutting their land, provided:

1. The city may at any time require such landscaping to be removed, and the city shall not be responsible or liable if any landscaping is required to be removed.
2. Such landscaping shall not impede or obstruct visibility form any vehicle or not to obstruct any public sidewalk. All landscaping installed within any public right-of-way must receive prior approval from the Parks & Recreation Department and;
3. No landscaping shall be placed in any area where a capital improvement project has been funded until the said project has been completed.
4. Installation and Maintenance standards:

All landscaping materials required under this ordinance shall be of nursery stock quality and shall be installed in a sound manner.

 - a. The required landscaping shall be installed as part of the completion of any development and or construction project unless a written agreement has been made with the city. Such agreements allowing extending the time of installation will be for a maximum of 6 months.
 - b. All landscaping shall present at all times a healthy, neat, clean, orderly, disease-free and pest-free appearance.
 - c. All landscaped area shall be free from weeds, refuse and debris at all times.
 - d. Any dead plant materials (leaves, branches etc.) or materials which fails to show healthy growth must be removed and or replaced with the required materials within forty-five (45) days or when weather permits.
 - e. Maintenance and upkeep of all plant growth in the landscaped area including the area located in the public right-of-way, is the responsibility of the owner, lessee or tenant and shall be controlled by pruning or trimming so that it will not interfere with pedestrian or vehicular traffic nor constitute a traffic hazard.
 - f. All landscaping that requires watering, the owner, lessee, or tenant shall be responsible for any cost that may arise do to the watering of said landscaping, including the watering of landscaping on public right-of-way installed by the owners, lessee or tenant.
 - g. All trees and large shrubs shall be adequately supported. When trees are planted along city streets, the following intervals shall be followed; large trees; (40 feet + in height), 30 to 40 feet apart, medium trees; (30 to 40 feet in heights), 25 to 30 feet apart, small trees (up to 30 feet in height) 20 to 25 feet apart.

NOTE: No trees shall be planted or allowed to grow into overhead power lines. Should trees, planted by owner, lessee or tenant, beneath overhead lines be allowed to grow into said lines, it shall be the responsibility of the property owner to have trees removed from the overhead lines.

- h. Of the total area that is required to be landscaped, one-half shall be located within the frontal portion of the property or adjacent to the city street. Where building occupy corner lots, tracts fronting two streets, a minimum of one-quarter of the required landscaping shall be located each frontal area.
- i. Buffer/Screen landscaping shall be constructed between 2 tracts of land which may not be compatible. (such as commercial & residential)
- j. Failure to maintain the landscaping shall be considered a nuisance and subject to the provision of Chapter 10 in the municipal code.

All Ordinances or Resolution, or parts thereof, inconsistent therewith are hereby repealed to the extent only of such inconsistency. This Amendment shall not be construed to revive any ordinance or resolution, or part thereof, heretofore amended.

PASSED, ADOPTED AND APPROVED THIS 23rd day of July 2007.

Mayor Scott Eckstein

ATTEST:

Carol Miller, City Clerk