

CITY OF SHAWNEE
ORDINANCE NO. 3347

**AN ORDINANCE AMENDING CHAPTER 17.57 OF THE SHAWNEE
MUNICIPAL CODE REGARDING REGULATION OF LANDSCAPING, TO
REVISE PROVISIONS RELATED TO STREET TREES**

**NOW THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE
CITY OF SHAWNEE, KANSAS:**

PARAGRAPH 1. Chapter 17.57, Section 17.57.015, of the Shawnee Municipal Code is hereby amended to read as follows:

17.57.015 - Definitions.

For the purposes of this chapter, the following words shall have the following meanings:

- A. Deciduous trees shall mean those trees which shed their leaves annually, such as oak, maple, ash, etc.
- B. Evergreen trees shall mean those trees which do not shed their leaves annually, such as pine, spruce, juniper, etc.
- C. Ground cover shall mean landscape materials, or living low-growing plants other than turf grass, that is installed in such a manner so as to form a continuous cover over the ground surface.
- D. Landscaped open space shall mean all land area within the property lines not covered by building or pavement.
- E. Landscape material shall mean living plants such as trees, shrubs, ground cover/vines, and turf grasses; and nonliving material such as: rocks, pebbles, sand, bark, mulch, edging, brick pavers, earthen mounds (excluding pavement); and/or other items of a decorative or embellishment nature such as: fountains, benches, pools, walls, fencing, sculpture, geo-block drives, etc.
- F. Large trees shall mean species of trees that reach fifty (50) feet or taller in height at maturity, such as ash, elm, hickory, oak and sycamore.
- G. Major Street shall mean those streets designated as a major collector, minor arterial or major arterial on the City's circulation plan.
- H. Medium trees shall mean species of trees that reach twenty (20) to fifty (50) feet in height at maturity, such as maple, thornless honeylocust, goldenrain tree, and pear.

I. Native grasses shall mean species of perennial grass other than those designated as noxious weeds by the State of Kansas Department of Agriculture and Entomology.

J. Ornamental Tree shall mean a small tree that has high visual impact due to flowers, shape, interesting form, or other attractive characteristics, such as dogwood, flowering crabapple, and Japanese maple.

K. Private street setback shall mean that distance of open area between the curb line or edge of pavement on a ditch section road and the building line.

L. Public street setback shall mean that distance of open area between the curb line or edge of pavement on a ditch section road and the property line.

M. Setback Area shall mean that area between the property line and the parking setback line or building.

N. Shrubs shall mean any self-supporting, woody plant of a species which normally grows to an overall height of less than fifteen (15) feet in this region.

O. Setback Triangle shall mean a required setback area at the intersection or driveway entrance off a public or private street. The setback triangle shall be determined by entering a triangle with a base length of twenty-five (25) feet at the corners of the subject driveway or street. This triangle shall have a length of twenty-five (25) feet from the adjoining street or driveway. However, if due to unusual topographic conditions, driveway and/or street design or other unique features, the City Traffic Engineer or his or her designee, may vary the aforementioned setback requirements when adequate and safe sight distance has been determined through an on-site inspection.

P. Small trees shall mean species of trees that reach twenty (20) feet or less in height at maturity, including ornamental and upright evergreen trees. Species would include amur maple, redbud, serviceberry, and juniper varieties such as Canaertii and Skyrocket.

Q. Street Trees shall mean any trees planted within the public right-of-way between the edge of the street pavement or curb and the adjacent private property line.

R. Trees shall mean any self-supporting, woody plant of a species which normally grows to an overall minimum height of fifteen (15) feet in this region.

S. Turf grass shall mean a species of perennial grass grown as a permanent lawn or for landscape purposes as distinguished from those species grown for agricultural or commercial seed purposes.

T. Upright Evergreen Tree shall mean a narrow columnar or conical evergreen shrub that generally does not exceed fifteen (15) feet in height, such as juniper, yews, and hollies.

U. Yard Areas Primary yards shall mean the front, side and rear yard areas, as required by chapters 17.10 through 17.30 of this title, to meet minimum bulk requirements. The primary yard area is measured from the foundation of the residential structure toward the property lines. Secondary yard shall mean those yard areas in excess of the primary yard area; "The American Standard for Nursery Stock," as published by the American Association of Nurserymen and incorporated by reference herein, shall be referred to in determining the applicability of the definitions in this section.

PARAGRAPH 2. Chapter 17.57, Section 17.57.025, of the Shawnee Municipal Code is hereby amended to read as follows:

17.57.025 - Landscape Design Elements.

A. Landscaping shall be used to enhance the quality and appearance of the site, provide shade and stormwater management, and to implement the overall intent of this chapter.

B. Planting design shall coordinate appropriate new plant materials and other environment requirements with the climate, soil, orientation, water courses, existing vegetation, related natural resources, and man-made facilities.

C. The overall quality of existing plant material shall be considered and treated in the planting design in a similar manner to new plant material.

D. Service areas and facilities shall be screened from major points of pedestrian access of all buildings and from public rights-of-way.

E. Ground-mounted mechanical equipment and utility cabinets and pedestals shall be screened from major points of pedestrian access of all buildings and from public rights- of-way.

F. Plant materials shall be selected and arranged to prevent blocking or obscuring night lighting of pedestrianways at any stage of growth.

G. Plantings at intersections or driveway entrances shall be arranged to allow a permanently clear, safe sight distance.

H. Trees or shrubs shall not be planted under existing or planned above ground utility lines, unless their maximum growth height is 15 feet or less.

I. Trees and shrubs shall not be placed over underground drainage facilities and shall be placed far enough away from the storm and sanitary sewers and water lines to avoid roots entering the lines.

J. Where trees, shrubs, or other ornamental plants are located in areas of concentrated occupant activity, raised planting beds, permanent protective fences or tree guards adequate to minimize damage to plant materials shall be provided as appropriate.

K. Boundary landscaping and/or berming may be required along all property lines.

L. Earth berming and variations in topography are encouraged to be used as a component of the landscape.

M. In order to promote diversity in the landscape and to minimize the spread of disease and harmful insects among trees, a multiple number of species (including both deciduous and evergreen species) shall be used in the landscape.

PARAGRAPH 3. Chapter 17.57, Section 17.57.030, of the Shawnee Municipal Code is hereby amended to read as follows:

17.57.030 - Tree Requirements.

A. **Tree Species.** All trees planted within the City shall be selected from an Approved Species List provided by the City. If a proposed tree species is not included on the list, City staff may administratively review the species for appropriateness.

B. **Single-family Residential Use Districts.**

1. One (1) street tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required. In the event that it is not feasible to plant a street tree, City staff may administratively allow an alternative location for the required street tree.

2. In addition to the required street trees based on street frontage, one (1) tree shall be required to be planted on-site for every dwelling unit.

C. **All Other Use Districts.**

1. One (1) street tree per forty (40) feet, or portion thereof, of street frontage, public or private, shall be required. In the event that it is not feasible to plant a street tree, City Staff may administratively allow an alternate location for the required street tree.

2. In addition to the required trees based upon street frontage, sixteen (16) trees shall be required per acre of usable open space. These trees may include those planted to meet interior parking lot requirements of this chapter. Calculations to demonstrate compliance with this requirement shall be provided by the applicant on the landscape plan.

3. Additional trees and shrubs shall be provided to meet site and screening requirements based on professional site design and analysis and customary planting treatments in the general locale. Trees and shrubs used to meet this screening

requirement shall not count towards those required in Section 17.57.030.B.1., 2. of this Chapter.

D. Common Tracts and Open Space. Existing trees shall be preserved to the maximum extent possible. Additional landscaping may be required to augment the existing vegetation and/or to screen adjacent uses and proposed utility uses within or adjacent to such tracts.

E. Species Mix. When more than ten (10) trees are required to be planted to meet the standards of this chapter, a mix of species shall be provided to minimize the spread of disease and harmful insects in accordance with the following:

10—20 trees	3 species (minimum)
21—30 trees	4 species (minimum)
31—40 trees	5 species (minimum)
41+ trees	6 species (minimum)

F. Artificial Plants. No artificial plants or vegetation may be used to meet the requirements of this Chapter.

PARAGRAPH 4. Chapter 17.57, Section 17.57.040, of the Shawnee Municipal Code is hereby amended to read as follows:

17.57.040 - Planting—Off-Street Parking Area Requirements.

A. The intent of this section is to encourage interior landscaping within vehicular parking areas, to break up the large expanses of pavement, and to provide relief from the reflected glare and heat, as well as to guide vehicular and pedestrian traffic.

B. All off street parking areas containing a double loaded aisle, or is at least sixty-five (65) feet in width shall be subject to the following minimum landscaping requirements. These requirements apply to all new development and to redevelopment of existing parking lots which result in an increase of twenty-five percent (25%) or greater of the number of spaces in the existing parking lot.

C. Perimeter Landscaping.

1. All parking areas shall provide a minimum parking setback as provided in Chapter 17.70 for use as a landscaped buffer. In addition, a minimum seven-foot side

landscape buffer and a ten-foot rear landscape buffer shall be provided around the perimeter of the parking area.

2. The perimeter landscape buffers shall be planted with a mixture of two (2) or more of the following plant materials; trees, shrubs, ornamental grasses, or ground cover. Not less than, one (1) tree and three (3) shrubs shall be planted per twenty-five (25) feet of parking lot frontage. One (1) tree may be planted in place of three (3) shrubs; however three (3) shrubs may not replace a required tree. Trees required to meet perimeter landscaping requirements for parking areas adjacent to public/private street rights-of-way may be counted to meet street tree requirements of this chapter.

3. Within the TownSquare (TSQ) zoning district, the perimeter landscaping requirements may be modified at the discretion of the Planning Commission.

4. Additional screening in the form of earthen berms, fencing, decorative walls, and/or additional landscape materials will be required adjacent to existing single family residential uses or for areas designated for single-family residential development as shown on the future land use guide of the City's comprehensive plan. Where fencing is required, landscaping may be required on both sides of the fence. In such instances gates shall be provided to allow for maintenance of these areas. Gate locations shall be shown on the required landscape plan.

5. Additional landscaping may be required as determined by the Planning Commission.

D. Interior Landscaping.

1. Not less than six percent (6%) of the interior of a parking lot shall be landscaped. In some instances, more than six percent (6%) of the interior of a parking lot may be required to be landscaped as provided in chapter 17.70.

2. The applicant shall provide calculations on the landscape plan demonstrating compliance with this requirement.

3. Interior landscaping areas shall consist of islands or peninsulas that project out into the pavement or are surrounded by pavement on at least three (3) sides.

4. Interior landscaping areas shall be reasonably dispersed throughout the parking lots.

5. Interior planting areas shall be provided at a rate of one (1) per every fifteen (15) parking spaces or portion thereof, and at all parking row end caps.

6. The minimum planting area shall be one hundred sixty-five (165) square feet and shall have a minimum width of nine (9) feet.

7. Planting areas shall be separated from parking areas, drive aisle, and streets with permanent curbs, or similar structural barriers in conjunction with approved stormwater quality facilities, to protect planting beds, contain mulch, and reduce erosion.

8. Interior landscape areas shall be planted with a mixture of two (2) or more of the following plant materials: Trees, shrubs, ornamental grasses, or ground cover. However, the primary plant material shall be trees which provide shade or are capable of providing shade at maturity. Other plant materials are to be used to complement the trees, but shall not be the sole component of the landscaping.

9. Planting that is required to meet the perimeter landscaping requirement shall not be considered as part of the interior landscaping requirement.

10. Commercially zoned vehicle sales/display lots, industrial zoned vehicle/equipment storage lots, and multi-level parking structures shall be exempt from interior landscaping requirements.

E. General.

1. In those instances where plant material exists on a site prior to its development, such landscape material may be used if properly preserved in accordance with the provisions of this chapter.

2. No landscaping, tree, shrub, fence, wall or similar item shall be placed within the setback triangle at the intersection or driveway entrance off a public or private street, or in public right-of-way in such a manner that the City Traffic Engineer or his or her designee determines is an obstruction to visibility, extends into sight lines, or is a traffic hazard.

3. River rock, high quality mulch, groundcover, or grass sod can be used within required landscape areas to augment the primary plant materials and to present a finished appearance, but it shall not be the primary component of the landscape areas. Grass sod and groundcovers shall be planted to provide complete coverage within the first growing season. When mulch is used, it shall be installed and maintained at a minimum depth of two (2) inches. Maintenance of these mulched areas shall include periodic raking, refreshing and/or replacement of the mulch and shall be kept free of weeds. Surrounding paved areas shall be kept clean as needed due to wind and water erosion.

PARAGRAPH 5. The previously existing Section 17.57.010, Section 17.57.025, Section 17.57.030, and Section 17.57.040 of the Shawnee Municipal Code are hereby repealed.

PARAGRAPH 6. This Ordinance shall take effect and be in force from and after its passage and publication as required by law.

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PASSED by the Governing Body this 23 day of November, 2020.

APPROVED AND SIGNED by the Mayor this 23 day of November, 2020.

CITY OF SHAWNEE, KANSAS



By: _____

Michelle Distler, Mayor

ATTEST:

By: _____

Stephanie Zaldivar, City Clerk

APPROVED AS TO FORM:

By: _____

Ellis Rainey, City Attorney

The Legal Record

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SHAWNEE KS 66203-2750

First published in The Legal Record, Tuesday, December 1, 2020.

CITY OF SHAWNEE
Summary of Ordinance No. 3347

On the 23 day of November, 2020, the Governing Body of the City of Shawnee, Kansas passed Ordinance No. 3347, an Ordinance Amending Chapter 17.57 of the Shawnee Municipal Code regarding Regulation of Landscaping, to revise Provisions related to Street Trees.

A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk or at www.cityofshawnee.org.

The undersigned hereby certifies as prescribed by KSA 12-3007 that the foregoing Summary of Ordinance No. 3347 is legally accurate and sufficient.

Dated: November 23, 2020

/s/ M. Ellis Rainey, II, City Attorney
12/1

Proof of Publication

STATE OF KANSAS, JOHNSON COUNTY, SS;
Maureen Gillespie, of lawful age, being first duly sworn, deposes and says that she is Legal Notices Clerk for The Legal Record which is a newspaper printed in the State of Kansas, published in and of general paid circulation on a weekly, monthly or yearly basis in Johnson County, Kansas, is not a trade, religious or fraternal publication, is published at least weekly fifty (50) times a year, has been so published continuously and uninterrupted in said County and State for a period of more than one year prior to the first publication of the notice attached, and has been entered at the post office as Periodicals Class mail matter. That a notice was published in all editions of the regular and entire issue for the following subject matter (also identified by the following case number, if any) for 1 consecutive week(s), as follows:

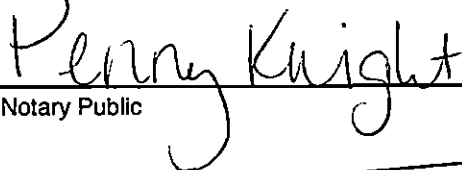
ORDINANCE #3347
12/1/20



Maureen Gillespie, Legal Notices Billing Clerk

Subscribed and sworn to before me on this date:

December 1, 2020



Notary Public

PENNY KNIGHT
Notary Public-State of Kansas
My Appt. Expires Dec. 31, 2021

L88588
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