

ORDINANCE # 01-00
MINIMUM LANDSCAPE REQUIREMENTS

I. MINIMUM LANDSCAPE REQUIREMENTS

The following are the Minimum Landscape Requirements for the designated zoning districts. Each shall meet the criteria set forth below.

II. PURPOSE

The purpose of this Section is to promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve natural resources including adequate air and water; to conserve properties and their values; to preserve the character of an area by preventing the harmful effects of prejudicial uses; and to encourage the appropriate use of the land. More specifically, these requirements are intended to make incompatible uses compatible by requiring a screen or buffer between uses in order to minimize the harmful impact of noise, dust, and other debris, motor vehicle headlight glare or other artificial light intrusion, and other objectionable activities or impacts conducted on or created by an adjoining or nearby use. Additionally, these requirements are intended to require the landscaping of certain parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, and the glare of motor vehicle lights; to preserve underground water reservoirs and to permit the return of precipitation to the ground water strata; to act as a natural drainage system and ameliorate storm water drainage problems; to reduce the level of carbon dioxide and return pure oxygen to the atmosphere; to prevent storm erosion; to provide shade; and to enhance the blighted appearance of parking lots.

III. APPLICABILITY

The provisions of this Section shall apply to all Commercial (B1-B2), Industrial (M1-M2), Multi-Family (R3) of three units or more, Religious, Educational, and Institutional Uses.

IV. STANDARDS

The following shall apply to the installation and maintenance of all landscaping, screening, and barriers required by this Section. The owner/developer is advised that licensed nurserymen and horticulturists are certified by the State of Louisiana and carry plant materials that are certified disease and insect free.

1. A minimum area of twenty-five (25) square feet, with a minimum side dimension of ten (10) feet, is required for each tree planted.
2. All landscaping shall be installed in a sound, workmanlike manner and according to accepted good planting procedures.
3. Trees shall be a minimum of two and one-half (2 1/2) inches in caliper for Class A Trees and one and one-half (1 1/2) inches in caliper (diameter) for Class B and Class C trees, provided that the height of Class B and Class C trees shall be a minimum of eight (8) feet in height immediately after

planting and shrubs shall be three (3) feet in height immediately after planting within the street/side/rear yard planting areas and vehicular use areas. Two (2) one and one half (1 1/2) inch caliper Class A trees may be substituted for one (1) two and one-half (2 1/2) inch caliper Class A tree.

4. Generally, planting required by this Section should be in an irregular line and spaced at random.

5. Existing vegetation which is suitable for use in compliance with this Section and which is protected according to the provisions set forth in this Section is acceptable under this Section.

V. LANDSCAPE PLAN AND PLANTING REQUIREMENTS

1. A landscape plan shall be submitted and approved as part of the building permit application as required by the provisions of this Minimum Landscape Requirements Section.

2. Such landscaping plans shall be drawn approximately to scale, including dimensions and distances, and clearly delineate all existing and proposed parking spaces or other vehicle areas, access aisles, driveways, and the location, size and description of all landscaping materials. Planting must be completed within sixty (60) days of building completion or occupancy permit will be revoked.

3. Street Planting Area Requirements:

Regulations on planting on public property within the Town of Pearl River are covered by Town of Pearl River Tree Ordinance # 96-11-12.

4. Side and/or Rear Yard Planting Area Requirements:

Side and/or Rear Planting Areas are defined as the unpaved area of land located between the property line and building or vehicular use area, designated for the preservation and placement of plant materials. Side and/or rear planting areas are required for all uses requiring landscape review.

The Side and/or Rear Planting Area requirements shall be as follows:

The depth of the side yard planting areas for non-corner lots shall be calculated using the front footage or width of the property as a guide. The depth of the rear side yard planting area for non-corner lots shall be calculated using the depth of the property as a guide. For corner lots, the width shall be calculated using the shortest side bordering a street, and the depth shall be calculated using the longest

side bordering a street. The calculated side and/or rear yard planting area depth(s) shall be a minimum requirement. A minimum side and/or rear yard planting area depth of twenty (20) feet for the first one-hundred (100) feet of lot depth or width or fraction thereof, and one (1) additional foot for each additional twenty (20) feet of lot depth or width or fraction thereof shall be required. All Industrial uses shall have a minimum side and/or rear yard planting area depth requirement of twenty (20) feet when abutting non-industrially zoned property. Otherwise, industrial uses shall have a minimum planting area depth of twenty (20) feet on the sides and the rear. All other uses shall have a minimum planting area depth of ten (10) feet on the sides and the rear. For sites abutting a side and/or rear street, street planting requirements shall apply. The side yard planting area depth need not exceed fifteen (15) feet and the rear yard planting area depth not need exceed twenty-five (25) feet. For lots less than sixty (60) feet wide, the side yard planting shall be a total of ten (10) feet and placement shall be determined by the Planning Commission Development.

Side and/or rear yard planting shall be required as follows:

a) Where a use abuts a suburban agricultural, single family, or duplex residentially zoned parcel, or an industrially zoned parcel abutting anything but industrial, one (1) Class A tree for each ten (10) feet of frontage along the side and/or rear lot lines and a seventy percent (70%) sight obscuring screen of living or one hundred percent (100%) sight obscuring screen of non-living landscape material shall be required. (See definition for sight obscuring screen in Section titled "Definitions").

b) All other uses shall have one (1) Class B tree for each thirty (30) feet of frontage along the side and/or rear lot lines. The landscaped area shall be surfaced with trees, shrubs, ground cover, mulch, and/or grass, exclusive of paving. It may, however, include water features such as ponds and fountains.

5. Parking Requirements

Two (2) Class B trees shall be provided for every eight (8) parking spaces or fraction thereof, excluding commercial parking garages and multi-level parking. The location of said trees shall be located anywhere in the parking area or adjacent to the parking area, exclusive of any other requirements.

6. Trash or Garbage Screening Requirements

Storage areas containing three (3) or more refuse, garbage or rubbish containers or one (1) or more dumpsters shall be screened on all sides with a six (6) foot high seventy percent (70%) sight obscuring screen of non-living landscape material; and placed at rear of property.

VI. MAINTENANCE

1. The owner, or his agent, shall be responsible for the maintenance repair, and replacement of all landscaping materials and barriers as may be required by the provisions of this Section.

2. All plant material shall be tended and maintained in a healthy growing condition, replaced when necessary and kept free of refuse and debris.

VII. PRESERVATION OF EXISTING PLANT MATERIALS

In the required street planting area in all zones, all Class A trees greater than twelve (12) inches in diameter measured four and one-half (4 1/2) feet above the ground, and all Class B and Class C trees greater than six (6) inches in diameter measured four and one-half (4 1/2) feet above the ground shall be preserved regardless of the number of said trees, but in no case shall this requirement create a traffic hazard. In all zones, credit may be received toward the landscape planting requirements by preserving existing trees.

- 1.) The owner/developer should try to preserve native trees and shrubs in the design and implementation of the landscape plan.
- 2.) Exchange rate: For each existing tree preserved one tree shall be credited toward the satisfaction of the minimum planting requirements.
- 3.) These credits shall be given only if the trees preserved are located in or within fifteen (15) feet of the specific area (Street/Side/Rear Planting Areas and Parking Area). For example: The trees preserved in the Street Planting area shall be given credit for the Street Planting Requirement only; credit for trees preserved in the Parking Area shall apply only to the Parking Requirements, etc.
- 4.) IT SHALL BE THE RESPONSIBILITY OF THE LAND OWNER TO USE REASONABLE CARE IN MAINTAINING PRESERVED TREES. IF A PRESERVED TREE DIES, IT IS THE RESPONSIBILITY OF THE OWNER TO REPLACE SAID TREE OF THE APPROPRIATE CLASS WITHIN THIRTY (30) DAYS. REQUESTS FOR AN EXTENSION BEYOND THE SPECIFIED TIME FOR SUCH REPLACEMENT SHALL BE SUPPORTED BY PROOF OF DUE DILIGENCE, OR OWNER SHALL BE FINED AND/OR PENALIZED AS DEFINED IN SECTION EIGHT (VIII) OF THIS ORDINANCE. THE OWNER AND HIS AGENT SHALL BE RESPONSIBLE FOR MAINTAINING ALL PLANT MATERIALS REQUIRED BY THE ORDINANCE IN GOOD, LIVING CONDITION.
- 5.) For each tree to be credited, a planting area or open ground of at least twenty-five (25) square feet, with a minimum side dimension of ten (10) feet, shall be required for trees up to four (4) inches in diameter. For each additional two (2) inches of tree diameter of the preserved tree, an additional twenty-five (25) square feet of planting area or open ground space shall be required.
- 6.) During construction, planting or open ground areas shall be wired off with property flagged, reinforced, rolled wire mesh to prevent earth compaction. Planting or open ground areas should be located so that the minimum distance from the trunk of the preserved tree to the perimeter of such designated area shall be at least two-third (2/3) of the maximum distance from the trunk of the preserved tree to the perimeter of such designated area.

VIII. SUGGESTED FINES AND PENALTIES FOR NON-COMPLIANCE

Fines and penalties for failure to comply with the terms of this ordinance will be as follows:

- 1.) Written notice of non-compliance will be sent to the owner or his agent by the Mayor and/or the Board of Aldermen describing the nature of the non-compliance, and stating that proof of the correction must be submitted within thirty (30) calendar days.
- 2.) If correction has not been effected by the end of the thirty (30) calendar days, a fine of five-hundred dollars (\$500) per day will be assessed for thirty (30) additional days or until correction of the non-compliance, whichever comes first.

3.) At the end of the thirty (30) days, continued non-compliance shall result in revocation of the permit and placing a lien against the property to guarantee payment to the Town of Pearl River for correcting the non-compliance and/or restoring the property to its original condition.

4.) Failure to reimburse the Town of Pearl River within sixty (60) days will result in seizure of the property which will be auctioned to settle the debt.

IX. PERMITS AND LICENSES REQUIRED

1. Permits and licenses shall be required which are consistent with Town of Pearl River Tree Ordinance # 96-1112 passed the 12th day of November, 1996, and any other ordinances pertaining to permits and licenses which have been adopted by the Town of Pearl River since that date.

X. DEFINITIONS

1. Access way - A way of approaching or entering a property.

2. Street Planting Area - An area of land between the property line and any vehicular use areas or building that is intended for the replacement or preservation of landscape materials.

3. Ground Cover - Plant material which reaches a maximum height of not more than twelve (12) inches.

4. Landscaping Material - Material such as, but not limited to, living trees, shrubs, vines, lawn grass, ground cover landscape water features, and non-living durably materials commonly used in landscaping including, but not limited to rocks, pebbles, sands, decorative walls and fences, brick pavers, earthen mounds, but excluding paving for vehicular use.

5. Planting Area - Any area designed for landscape material installation having a minimum area of twenty-five (25) square feet, with a minimum of five (5) on the side. See also Plate VIII, Volume V of Zoning and Subdivision Regulations.

6.) Side and Rear Yard Planting Areas - An area of land between the property line and any vehicular use areas or building that is intended for the placement or preservation of landscape materials.

7.) Sight Obscuring Screen - A 100% opaque visual screen with a minimum height of six (6) feet, if non-living material is used. If living material is used, it shall be at least 70% sight obscuring and be a minimum of four (4) feet in height immediately after planting and shall consist of plants that reach a minimum of six (6) feet at maturity.

8.) Sight Triangle - The triangle at either side of an access way or public right of way with sides of a specific length each along the public right of way and/or access way. See also Plate VIII, Volume V of Zoning and Subdivision Regulations.

9.) Tree-Class A - Any self-supporting woody plant of species which normally grows to an overall height of at least fifty (50) feet, usually with one main stem or trunk and many branches. It may appear to

have several stems or trunks, as in several varieties of oaks. (See Section X of this ordinance.)

10.) Tree-Class B - Any self-supporting woody plant of a species which normally grows to an overall height of at least twenty-five (25) feet, usually with one main stem or trunk and many branches. It may appear to have several stems or trunks, for example Crape Myrtle. (See Section X of this ordinance.)

11.) Tree-Class C - Any self-supporting woody plant of a species which normally grows to a height of at least fifteen (15) feet. It may appear to have several stems or trunks, for example, Wax Myrtle. (See Section X of this ordinance.)

12.) Understory Plants - An underlying layer of low vegetation including all shrubs and trees thirty-five (35) feet or smaller. (See also Section X of this ordinance.)

X. EXAMPLES OF CLASS A, B, AND C TREES AND EVERGREEN SHRUBS

CLASS A TREES (50 FEET)

Acer rubrum "Drummondii" -- Swamp Red Maple

Acer saccharinum -- Silver Maple

Carya cordiformis -- Bitternut Hickory

Carya illinomensis -- Pecan

Celtis laevigata -- Sugar Hackberry

Cryptomeria japonica -- Japanese Cedar

Cunninghamia lanceolata -- Cunninghamia Fir

Fagus grandifolia -- American Beech

Fraxinus pennsylvanica -- Green Ash

Ginkgo biloba -- Ginkgo

Gleditsia triiactanthos -- Honey Locust

Juglans nigra -- Black Walnut

Juniperus virginiana -- Eastern Red Cedar

Liriodendron tulipifera -- Tuliptree, Yellow Poplar

Magnolia acuminata -- Cucumber Magnolia

Magnolia grandiflora -- Southern Magnolia

Morus rubra -- Red Mulberry

Nyssa sylvatica -- Black Gum

Pinus echinata -- Shortleaf Pine

Pinus glabra -- Spruce Pine

Pinus palustris -- Longleaf Pine

Pinus taeda -- Loblolly Pine

Platanus occidentalis -- Sycamore

Populus deltoides -- Cottonwood

Quercus acutissima -- Sawtooth Oak

Quercus alba -- White Oak

Quercus falcata -- Southern Red Oak

Quercus falcata "pagodifolia" -- Cherrybark Oak

Quercus michauxii -- Cow Oak

Quercus nigra -- Water Oak

Quercus phellos -- Willow Oak
Quercus shumardii -- Shumard Oak
Quercus virginiana -- Southern Live Oak
Salix nigra -- Black Willow
Taxodium distichum -- Common Bald Cypress
Tilia americana -- American Linden
Ulmus americana -- American Elm
Ulmus crassifolio -- Cedar Elm

CLASS B TREES (25 FEET)

Acer negundo -- Boxelder
Albizia julibrissin -- Mimosa
Betula nigra -- River Birch
Broussonetia papyrifera -- Paper Mulberry
Catalpa bignonioides -- Catalpa
Cercis deodara -- Deodar Cedar
Cercis canadensis -- Redbud
Cinnamomum camphora -- Camphor
Cornus florida -- Flowering Dogwood
Diospyros virginiana -- Common Persimmon
Firmiana simplex -- Chinese Parasol Tree
Gordonia lasianthus -- Gordonia, Loblolly Bay
Ilex opaca -- American Holly
Juniperus virginiana "canaertii" -- Canaert Eastern Red Cedar
Koelreuteria bipinnata -- Golden Rain Tree
Lagerstroemia indica -- Crape Myrtle
Magnolia heptaeta -- White Saucer Magnolia
Magnolia virginiana -- Sweet Bay Magnolia
Melia azedarach -- Chinaberry
Ostrya virginiana -- Hop Hornbeam
Parkinsonia aculeata -- Jerusalem Thorn
Pistacia chinensis -- Pistachio
Populus alba -- White/Silver Poplar
Quercus acuta -- Japanese Evergreen Oak
Robinia pseudoacacia -- Black Locust
Salix babylonica -- Weeping Willow
Ulmus pumila -- Siberian Elm
Zanthoxylum clava-herculis -- Toothache Tree, Prickly Ash
Ziziphus jujuba -- Jujube, Chinese Date

CLASS C TREES (15 FEET)

Assimina triloba -- Pawpaw
Carpinus caroliniana -- Ironweed
Chionanthus virginicus -- White Fringe Tree
Crataegus marshallii -- Parsley Hawthorn
Crataegus opaca -- Mayhaw
Crataegus viridus -- Greenhaw
Eriobotrya japonica -- Japanese Plum
Halesia diptera -- Silver Bell
Hamamelis virginiana -- Witch Hazel
Ilex decidua -- Deciduous Holly
Malus augustifolia -- Southern Crab Apple
Malus floribunda -- Japanese Flowering Crab Apple
Magnolia solangiana -- Oriental Magnolia
Myrica cerifera -- Wax Myrtle
Lagerstroemia indica -- Crape Myrtle (Selected Varieties)
Oxydendrum arboreum -- Sourwood
Prunus americana -- Wild Plum/American Plum
Prunus campanulta -- Taiwan Flowering Cherry
Prunus cerasifera -- Purple Leaf Plum
Prunus mexicana -- Mexican Plum
Prunus serotina -- Black Cherry
Prunus serrulata -- Japanese Flowering Cherry
Pyrus calleryana "Bradford" -- Bradford Flowering Pear
Pyrus communis -- Common Pear
Rhamnus caroliniana -- Carolina Buckthorn
Rhus copallina -- Flameleaf Sumac
Sapium sebiferum -- Chinese Tallow Tree
Sassafras albidum -- Sassafras
Ulmus alata -- Winged Elm

EVERGREEN SHRUBS (70% OPAQUE SCREEN WITH PROPER SPACING:

Abelia grandifolia -- Glossy Agelia (sun)
Azalea indica -- Indian Azalea
Bambusa vulgaris -- Bamboo
Camellia japonica -- Camellia
Camellia sasanqua -- Sasanqua Camellia
Cocculus laurifolius -- Laurelleaf Snailseed
Cortaderia selloana -- Pampas grass
Eleagnus pungens -- Eleagnus
Feijoa sellowiana -- Pineapple Guava
Gardenia jasminoides -- Gardenia
Ilex aquifolium -- English Holly
Ilex attenvata "Fosteri" -- Foster's Holly

Ilex cassine -- Cassine Holly
Ilex cornuta -- Chinese Holly
Ilex cornuta "Bufordii" -- Burford Chinese Holly
Ilex vomitoria -- Yaupon
Illicium floridanum -- Starbush
Jasminum mesnyi -- Primrose Jasmine
Ligustrum amurense -- Privet
Ligustrum indicum -- Wax Leaf Ligustrum
Michelia figo -- Banana Shrub, Magnolia Fuscata
Myrica cerifera -- Southern Wax Myrtle
Nerium oleander -- Oleander
Osmanthus fragrans -- Sweet Olive
Photinia fraseri -- Frasier's Photinia
Photinia glabra -- Red Leaf Photinia
Photinia serrulata -- Chinese Photinia
Pittosporum tobira -- Pittosporum
Podocarpus macrophyllus -- Japanese Yew
Prunus caroliniana -- Cherry Laurel
Pyracantha coccinea -- Pyracantha
Rosa levigata -- Cherokee Rose
Ternstroemia gymnanthera -- Cleyera
Viburnum japonicum "macrophyllum" -- Japanese Viburnum
Viburnum odoratissimum -- Sweet Viburnum
Viburnum suspensum -- Viburnum
Viburnum tinus -- Laurustinus Viburnum
Xylosma congestum -- Xylosma

During the Town Council Meeting held on February 8, 2000, Alderman David McQueen motioned to accept the Landscape Requirements and Alderwoman Theresa Zechenelly seconded the motion.

Voting: 4 Yeas 0 Nays Motion Carried

James Lavigne, Mayor

Town of Pearl River