

# CITY COUNCIL STUDY SESSION

**TO:** Mayor and City Council

**FROM:** Mari E. Macomber, City Manager

**SESSION DATE:** June 13, 2016

**TIME:** 6:00 pm

**PLACE:** City Council Chambers

## **AGENDA:**

- Jaycee Park Master Plan
- Missouri Main Street Provisions
- Landscape Ordinance
- City Code Discussion
- Council Agenda Review
- Council Newsletter Review

### **Jaycee Park Master Plan**

The goal for the balance of this year is to try and complete as many park master plans as possible. So far in the last six months, the Council has approved, based on recommendations from the Lakes, Parks and Recreation Commission (LPRC), park master plans for Brashear Park, Rotary, Hazel Creek Lake, and North Park Complex.

The Council is asked to review the plans for Jaycee Park. It is hoped that the map included is legible enough for you to read. We will have a larger size plan available for your review and discussion on Monday.

### **Missouri Main Street Provisions**

Since 1999, the City has placed efforts toward improving the downtown. Working to keep it viable by infusing funds in to infrastructure improvements, supporting festivals and events, establishing policies unique to the downtown, and providing general support to the efforts of the Kirksville Downtown Improvement Committee.

One of the organizations that works to support the efforts of the downtown core, is the Missouri Main Street Connection. This organization used to be a branch of the Missouri Department of Economic Development, but in 2003 when the economy took a turn, the State of Missouri was looking for things to eliminate from their budgets, and the Missouri Main Street program was one of many casualties. However, many of the organizations that were active in the State organization determined that pushing revitalization within the downtown was worthwhile and established the Missouri Main Street Connection. The Missouri Main Street Connection is a not-for-profit organization whose mission is to enhance the economic, social, cultural and environmental well-being of historic downtown business districts in Missouri.

To be a member of the organization would cost the City about \$475 per year. In addition there are a variety of programs that a community like ours could take advantage of if the Council deemed it valuable.

Included with this Study Session cover is a staff report, along with membership information, a list of frequently asked questions and a link to a more detailed outline of some of the services that are provided by this organization.

### **Landscape Ordinance**

Landscape ordinances are a part of the development process in many cities in suburban and urban areas. Requiring landscaping sends a message to developers that the expectation is that the finished product should be aesthetically pleasing and add to the beautification of a community. Landscaping also serves as a way to screen the business property from adjoining property, more specifically residential. Some places require the business properties for new development to include landscaping in their building plans to beautify property and landscaping in the perimeters of parking lots, loading docks and other vehicular use areas to screen the activities. Some cities even require businesses to provide parkway plantings in the entryways of the business.

In addition to the beautification aspects, Kirksville has two watersheds that provide our drinking water needs, and a third watershed that provides drinking water to residents south and east of Kirksville. Establishing some sort of landscaping requirements would also assist in reducing the impacts of stormwater runoff. Stormwater runoff is created when rain falls on the roads, driveway, parking lots and other paver surfaces. Stormwater runoff is the number one cause of stream impairment in urban areas, and as one of the State's larger cities what we do in our community may be impacting others within the State.

Whether or not to have a landscape ordinance was something that had been discussed previously by the City Council. It has been some time since that initial discussion, but a draft document has been prepared for Council to review and discuss.

### **City Code Discussion**

On Monday, I will have a slide show of various conditions that exist today within the city limits. Originally, it was hoped that we could drive around the community to look at these things, but the logistics of finding a vehicle that would accommodate the City Council, staff and media was more complicated to complete.

The goal for Monday is to bring these things to your attention, discuss what I understand to be the ordinance, what has been the practice and determine the direction the Council would like to take.

A few examples just to mention to give you an idea of what will be presented. Currently there is no ordinance prohibiting the use of electric fences inside the city limits. Maybe that is an agreeable practice, but presently, there is an electric fence next to a church and

near the Kirksville R-III School District, it may not be active at present, but it raises the question as to whether there should be any restrictions on this type of fencing. Another existing City ordinance concerns the storage of recreational vehicles. This is one that has been raised by citizens off and on again. The ordinance requires that the recreational vehicle be placed either to the side or rear yard of a property. We have one property owner who continually violates the City ordinance parking his recreational vehicle behind some shrubs on his property. We have cited him for the violation, but he continues to put the vehicle in this spot. On Marion Street just north of the Illinois intersection there is a recreational vehicle that is tucked into the backyard. The only problem, the backyard is immediately adjacent to a busy downtown street and quite visible to anyone traveling to and from the downtown. Part of the reason for this ordinance is to insure that vehicles can travel up and down the streets, another reason is to insure neighborhoods are free of obstructions. Another issue that has been allowed are the construction of cul-de-sacs as opposed to actual through streets. By allowing cul-de-sacs we are negatively impacting our ability to connect roadways and establish and improved street system with strong connections both north and south. In addition, cul-de-sacs are difficult to traverse for the fire trucks, snow plow vehicles and trash trucks. We are finding more and more as properties change hands that people are wanting the city to mow the ground found in the center of these cul-de-sacs.

These are some of the items that I hope to discuss with the Council to find out what you as policy makers feel about each of these issues.

#### Attachments

- Jaycee Park Master Plan Staff Report
- Jaycee Park Master Plan Map
- Missouri Main Street Staff Report
- Missouri Main Street Membership Information
- Missouri Main Street Frequently Asked Questions
- Landscape Ordinance Staff Report

#### Enclosure

- Missouri Main Street Brochure

## KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Jaycee Park Master Plan

STUDY SESSION MEETING DATE: June 13, 2016

CITY DEPARTMENT: Parks and Recreation

PREPARED BY: Ashley Young

City staff and the Lakes, Parks and Recreation Commission (LPRC) have worked together to create an updated park master plan for Jaycee Park. These entities worked together to determine a list of improvements and future developments for the park. Once the list of improvements and future developments was finalized, the Public Works Department's Engineering Division created the actual map for Jaycee Park with the existing facilities and future developments graphically represented on the map itself. If approved, this master plan will inform the five year capital improvement plan that is established as part of the annual budget process.

The master plan for Jaycee Park calls for, in order of importance to the LPRC, the following: the addition of parking spaces along the south side of Burton Street along the north side of the ballfield, the completion of a Tree Plan for the park, and lastly, a list of potential uses for the Lambert Building if, and only if, the current tenants were ever to decide to not continue their respective leases. This particular park master plan is light on improvements as compared to other park master plans because it was recently renovated, with the majority of work completed in late 2013.

City staff and the LPRC were mindful of costs while still acknowledging the potential for grant funding which would allow for the construction of more expensive projects in coming years. The Jaycee Park master plan is ready for your review. City staff look forward to discussing this master plan with the Council.



## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Missouri Main Street Connection

**STUDY SESSION MEETING DATE:** June 13, 2016

**CITY DEPARTMENT:** Economic and Community Development

**PREPARED BY:** Ashley Young

The Missouri Main Street program began in 1989. It was housed under the umbrella of the Missouri Department of Economic Development (MoDED), which provided staff and coordinated all the training, mentoring and accreditation for the local Main Street programs. Here in Kirksville, in addition to the Downtown Improvement Committee (DIC), the predecessor to the current Kirksville Downtown Improvement Committee (KDIC), there was also a Missouri Main Street program complete with a director.

In 2003, when budget cuts eliminated the MoDED support staff for the Main Street program, the local program managers discussed the importance of keeping the Main Street program alive in Missouri. They felt that continued revitalization training and mentoring were crucial to the survival of the downtowns in many small communities across the state. At that point, the managers decided to undertake the statewide coordinating program on their own. They formed a not-for-profit 501(c)3 corporation in 2005, called the Missouri Main Street Connection (MMSC).

During the intervening years, the Missouri Main Street program in Kirksville was discontinued. However, the KDIC was a member of the new MMSC until 2013. The KDIC is no longer a member of the MMSC.

Currently, the MMSC offers a variety of services to support organizations dedicated to improving downtowns, including the development of work / action plans, strategic planning, board and committee development, developing downtown resources, developing fundraising, improving marketing and tourism, grants, and more. When the subject of rejoining the MMSC has been broached with the current KDIC Board of Directors, the consensus was that they were not ready to pursue membership, but hope to be in a couple of years. City staff continue to devote time to the reestablishment of the KDIC, which began during their reorganization in November, 2012, or nearly four years ago.

City staff would like the Council's opinion on the City of Kirksville becoming a member of MMSC, or continuing to work with and encourage the KDIC to join MMSC. Please see the attached fee structure and frequently asked questions (FAQ) for further information on the organization and its benefits.

## YEARLY INVESTOR PROGRAM CATEGORIES (PICK FROM ONE GROUP)

**BUSINESS** - defined as anyone except an individual, non-profit, or municipality. *(Choose by business investor level.)*

- \$1000 Bronze Level
- \$2500 Silver Level
- \$5000 Gold Level
- \$10000 Platinum Level

**NON-PROFIT ORGANIZATION** - defined as the organization designated by IRS as a non-profit.

*(Choose by number of staff employed.)*

- Unstaffed \$125.00
- 1-2 Staff \$225.00
- 3-4 Staff \$325.00
- 5+ Staff \$425.00

**GOVERNMENT** - defined as the governing body of the community, city, or county. *(Choose by population size.)*

- 1 - 2,500 \$225.00
- 2,501 - 5,000 \$275.00
- 5,001 - 10,000 \$375.00
- 10,001 - 20,000 \$475.00
- 20,001 - 49,999 \$675.00
- 50,000+ \$775.00

**INDIVIDUAL** - defined as a person not related to any group, business, or organization.

- Individual Rate \$75.00
- Student Rate \$25.00

### Q. Why is your downtown important?

Your downtown is the most visible indicator of community pride. Downtown is either an asset or a liability in the effort to recruit new residents, new businesses and industries, retirees, tourists and others to your community and to keep those you already have. Quality of life is what separates successful cities and counties from declining communities.

### Q. What is Missouri Main Street Connection?

Missouri Main Street Connection (MMSC) helps communities throughout the state revitalize their economy, appearance, and image of their commercial business districts within the context of historic preservation. MMSC is a partner with the National Trust for Historic Preservation, the

National Main Street Center, and the Missouri Department of Economic Development in delivering revitalization education services. MMSC is authorized, by annual contract with the National Trust for Historic Preservation, to conduct evaluations of local Main Street programs in Missouri to determine their qualifications for Accreditation which is recognized by the National Trust's Main Street Center. MMSC also cooperates and partners with the Missouri Alliance for Preservation to bring technical preservation expertise to communities in Missouri that are working to revitalize their downtowns while preserving the heritage and cultural assets of their communities.

**Q. What does the Main Street statewide program do?**

The program helps communities get focused to gather support from individuals and organizations interested in downtown revitalization, and helps them develop skills necessary to carry the revitalization mission forward. It serves as a source for the latest information, tools and techniques in downtown development and preservation, through a variety of conferences and workshops conducted around the state.

**Q. What is the Main Street Four-Point® Approach to revitalization?**

Four standing committees conduct the operations and activities of a local Main Street organization

- Organization means getting everyone working toward the same goal, building consensus and cooperation among groups and individuals that have a stake in the district. In general, the effort must involve everyone in the community. The tools of organization include volunteer recruiting and training, developing an effective board of directors, and building a financially strong organization with diverse funding sources.
- Promotion builds value in the organization as well as in the business activities of the district. It develops a positive image of Main Street®, educates people about its historic and cultural assets, and markets the district to shoppers, investors and visitors. All activities within the downtown benefit from the promotional effort, including community services such as libraries, hospitals, city government, schools and social agencies. An effective promotional strategy builds relationships through advertising, retail promotions, and special events carried out by volunteers.
- Design is enhancing the visual quality of downtown. It includes preserving and utilizing historic structures that carry the values of the past into the future. Design elements range from buildings to signs, sidewalks, street furnishings, window displays, lights, landscaping and parking, all conveying a visual message of what Main Street is and what it offers.
- Economic Restructuring means expanding the economic assets of the community. The purpose is to reduce population loss and disinvestment, and alleviate poverty. Economic restructuring encourages economic growth by recruiting new businesses and investment that develops diversity, job creation, the preservation of historic structures, and conversion of vacant spaces into productive property.

**Q. Who can apply to be part of the Missouri Main Street program?**

Any community in Missouri that has a traditional downtown district may apply to be part of the program. The first step for communities that want to learn more about Main Street® is attending MMSC workshops and conferences that will give them opportunities to discover whether Main

Street is a good “fit” for their community. Advancing in the program, they can become a member of MMSC at the Aspiring Tier Level and receive discounts on conference fees and other membership benefits. For details of participation at all levels, see [The Tier System](#).

**Q. If my city does not have a street named “Main Street” can we still apply?**

Yes. Main Street is a program for downtown commercial revitalization, no matter what the community’s street names may be.

**Q. How is MMSC funded?**

MMSC is a not-for-profit 501c3 corporation, primarily funded by private contributors, and in part by fees for its educational services. Some of the professional service costs are funded by Missouri state government through the Department of Economic Development.

**Q. Who pays for a local Main Street Program?**

Main Street® is a self-help program, funded in part by individuals in the community, business sponsors, corporate contributions, local fundraising projects, grants and municipal government. Each local Main Street Program is responsible for securing its own funding, which should come from diverse sources and show a strong public-private partnership. A typical funding formula is:

- 30% local businesses and individuals
- 30% local government
- 30% financial institutions/industry in and outside the area
- 10% special events, grants, fundraising projects, etc.

The local Main Street Organization Committee and the Board of Directors are typically responsible for fundraising.

Missouri Main Street Connection periodically conducts workshops and conference seminars on how to conduct fundraising.

**Q. Does the Missouri Main Street Connection award grants?**

A 40/60 cost-share grant for MMSC training and technical services is available by competitive application of new participants to the Affiliate Level. Applications are generally accepted in the fall and spring.

**Q. Is a local Main Street® program similar to a Chamber of Commerce?**

No. Chambers of Commerce are designed to promote business and benefit their members. Main Street® programs are planned and implemented with community participation, and with the goal of benefitting everyone in the community.

**Q. My community cannot hire a full-time Main Street® manager. Can we hire someone part-time, or can a volunteer do the job?**

A full-time manager (in some cases called an Executive Director) is desirable, but most new programs can afford only a part-time director or volunteer. The goal, for new programs, is to develop a *working* Board of Directors that operates efficiently and carries out effective planning

and program implementation, while building the financial resources to hire staff. A Main Street organization should *always* strive to have a working board, with staff utilized as facilitators and spokespersons for the organization.

**Q. We have a downtown revitalization program in our town but are not an official Main Street® community. Can we call our program “Main Stet” ®**

No. The National Trust for Historic Preservation’s National Main Street Center has a registered trademark on the term “Main Street®” when referring to a downtown revitalization program. Missouri Main Street Connection is authorized by the National Trust to designate the communities in Missouri that are permitted to use of the term Main Street® as part of their name.

**Q. How long does a Main Street® program last?**

Revitalization is a process, not a project that has a completion date. Downtowns need continual revitalization because time does not stand still, economic conditions change, and the built environment always needs regular maintenance and improvements. While we can celebrate today’s achievements, we are always working to maintain the physical conditions in downtown, and prepare for needs in the future.

**Q. What role does Missouri Main Street Connection play in the local program’s policy making decisions?**

MMSC provides advice and technical assistance, but does not recommend local policy, except for guidance on how a not-for-profit board should conduct business in an ethical and professional manner that observes all requirements for benevolent organizations as determined by the Internal Revenue Service code and the Missouri Sunshine Law. Policies that guide the local organization should be based upon the Four-Point Approach® and the Eight Principles of Main Street®.

**Q. If my company has services or products to offer the Missouri Main Street communities can we participate?**

Yes. Architectural and engineering firms, construction companies, landscape designers, urban planners, financial consultants, street furnishings manufacturers, and any of the building trades specializing in historic restoration and rehabilitation may apply for a listing in the MMSC Allied Services section of this website. Allied Services members also receive an invitation to participate as exhibitors and sponsors for the Missouri Main Street Annual Conference.

## **KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT**

**SUBJECT:** Landscaping Ordinance

**STUDY SESSION MEETING DATE:** June 13, 2016

**CITY DEPARTMENT:** Codes

**PREPARED BY:** Brad Selby, Codes & Planning Director

The City of Kirksville does not have a Landscaping requirement for commercial businesses or multi-family housing developments. A couple of years ago, council approved the development of a proposed Landscaping Plan.

Attached is a Landscaping Plan for commercial properties and for multi-family housing developments. Some businesses voluntarily plant trees and shrubs and try to provide green space and shade, to reduce the glare and heat problems associated with acres of concrete parking areas. Residential developers often do not want to use their valuable space for trees or green spaces, because they are trying to maximize the number of apartments and living space, and they need every available foot of ground for the required parking.

The purpose and intent of this Landscaping Ordinance is to require new commercial businesses and new multi-family housing developments to:

1. Establish healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retardation, erosion control, and noise, glare, and heat abatement.
2. Provide visual buffering from streets, to buffer potentially incompatible land uses and to generally enhance the quality and appearance of a development site, and the city in total.
3. Encourage the preservation of existing trees and vegetation.

The proposed ordinance would not apply toward R-1 Single Family zoned building projects or to R-2 Two-Family zoned buildings and lots.

A draft of the proposed ordinance is attached.

## Landscaping Ordinance - Draft

### Sec. 1 - Name.

This Article shall be known as the Landscaping Ordinance

### Sec. 2 - Purpose.

It is the purpose and intent of this Landscaping Ordinance to require minimum investments in establishing new areas for tree and vegetation plantings and preserving existing trees and vegetation for new commercial business construction projects and new multi-family housing construction projects in the City of Kirksville.

### Sec. 3 - Authority.

The Codes & Planning Director or his designee is hereby designated as the enforcement officer under this section.

### Sec. 4 - Benefits.

Minimum Landscaping requirements for new commercial or multi-family building projects have several benefits for the City of Kirksville. They are:

- a. Providing healthy environmental conditions by providing shade, air purification, oxygen regeneration, groundwater recharge, storm water runoff retention, erosion control, and noise, glare, and heat abatement.
- b. Providing visual buffering from streets, to buffer potentially incompatible land uses and to generally enhance the quality and appearance of a development site, and the City of Kirksville in total.
- c. Encouraging the preservation of existing trees and vegetation, as the City of Kirksville is a designated Tree City.

### Sec. 5 - Definitions.

**Best Management Practice (BMPs)** - A design or practice employed with the primary objective to minimize adverse water quality impacts, preserve beneficial features on-site, avoid downstream erosion and habitat loss, maintain natural base flows and groundwater recharge, prevent increases to downstream flooding, provide multiple uses of drainage and storm water drainage facilities, and/or provide for the economical, safe and aesthetically pleasing drainage system for development.

**Berm** - An earthen mound designed to provide visual interest, screen undesirable views, and/or decrease noise.

**Buffer** - A combination of physical space and vertical elements, such as plants, berms, fences, or walls; the purpose of which is to separate and screen incompatible land uses from each other.

**Deciduous** - A plant with foliage that is shed annually.

**Evergreen** - A plant with foliage that persists and remains green year-round.

**Landscaped Area** - An area which consists of living landscape material.

**Screen** - An area of planting which provides an effective visual barrier.

#### Sec. 6 - Zoning Districts Affected.

- a. What zoning districts - This ordinance is intended to apply only to new construction of commercial businesses or multi-family housing projects in Zoning Districts R-3, R-4, C-1, CBD, C-3, M-1, M-2, or any Planned Zone in the same districts, LDCZ, MDCZ, HDCZ, P.U.D., and O-1P. Multiple duplex structures built on the same lot of a zoning district stated above are required to meet this vegetation requirement. Single duplex structures constructed on one lot, and single family homes, are not required to comply with these Landscape planting requirements. P.U.D. zoning districts would only include that portion allowing for commercial use, not for one- or two-family residential uses.
- b. The downtown portion of the Central Business District (CBD) is defined as follows: the old Norfolk & Western Railroad Right-of-Way on the west, Missouri Street on the north, Jefferson Street on the south, and Marion Street on the east. Lots in this area are generally built to cover the entire square footage of the lot with no area available for planting of vegetation. Landscaping and vegetation plantings are not required within this area, with the exception that any new parking lot constructed in this area after the date of passage of this ordinance will be required to have landscaping and tree plantings that will satisfy the requirements of the ordinance.
- c. Landscaping is not required for the development of properties for which a building permit has been issued or final development plans were approved, prior to the date of passage of this Landscaping Ordinance.

#### Sec. 7 - Components of a Landscape Plan.

Landscape Plans shall include the following:

- a. North Point and scale.
- b. General topographic information/grades.
- c. Proposed structures and pavement.
- d. Existing utilities, both above and below ground.
- e. Location, type, and quantity of all proposed landscape materials.
- f. Common names of all proposed plant material.
- g. Dimensions of all planting areas.
- h. Identification and dimensions of vegetation areas that currently exist and are remaining on the site.

#### Sec. 8 - Specifications of a Landscape Plan.

All plantings on private property must comply with the following:

- a. A list of tree species is maintained by the city and should be consulted in determining tree plantings, which may affect locations. These trees are categorized into three sizes including Large trees over 70 feet in height, Medium trees ranging from 30 to 70 feet in height, and Small trees up to 30 feet in height. These tree species are:
  - 1) Large - American Linden, Swamp White Oak, Bur Oak, White Oak, Northern Red Oak, Pin Oak, Hybrid Elm, European Sycamore, Eastern White Pine, Austrian Pine, Black Hills Spruce, White Ash, Norway Spruce, Kentucky Coffeetree, Green Ash, Freeman Maple, Ginko (male specie), Bald Cypress

- 2) Medium - Littleleaf Linden, Red Maple, Norway Maple, Birch, River Birch, Eastern Red Cedar, Thornless Honey Locust, Red Pine, Jack Pine, Hackberry, Sugar Maple
  - 3) Small - Service Berry, Flowering Crabapple, Ironwood, Hawthorn, Donald Wyman, Ornamental Pear, Redbud, June Bride Linden, Tree Lilac, Flowering Dogwood
  - 4) Trees Not Approved for Plantings - Silver Maple, Lombardy Poplar, White Poplar, Silver Poplar, Weeping Willow, Boxelder, Siberian Elm, Tree of Heaven, Cottonwood, Osage Orange, Black Locust, Ginko (female specie), Russian Olive, Chinese Elm
- b. The spacing of trees shall be in accordance with the three species size classes (Large, Medium, and Small). No trees should be planted closer together than: Small trees - 6 feet, Medium trees - 20 feet, Large trees - 40 feet. Exceptions based upon topography or special conditions may be approved by the City Codes & Planning Director.
  - c. No trees should be planted closer to any street curb or public sidewalk than the following: Small trees - 2 feet, Medium trees - 3 feet, Large trees - 4 feet.
  - d. No tree or shrub shall be planted closer than 10 feet from any fire hydrant.
  - e. No Large or Medium size trees shall be planted under or within ten 10 feet of any overhead utility wire.

#### Sec. 9 - Commercial and Residential Project Requirements.

Commercial/Business Use Projects require the following minimum landscaping elements:

- a. A Landscaping Plan, prepared by an individual who can demonstrate knowledge of landscape design, shall be submitted at the same time as the building or site plan submission. Approval of the Landscape Plan will be done at the same time as the building and site plans are approved, which are all required prior to the issuance of building permits and prior to the development of any parking areas.
- b. A minimum of eight (8) percent of the total land area of any tract, parcel, or lot being developed with new construction shall be Landscaped Area. At least half of the Landscaped Area must include trees, bushes, and/or shrubs. The remainder can be a mowed lawn grass area. Landscaping shall be reasonably distributed throughout the site.
- c. No new buildings or additions to existing buildings shall be permitted on a lot unless additional landscaping is provided on the tract, parcel, or lot in an area equal to at least five (5) percent of the land area occupied by the new building or addition. This subsection shall not apply to any land which meets the minimum requirement of subsection 9b.
- d. Trees -
  - 1) One Medium size (M) or one Large size (L) tree to be planted for every 40 linear feet of street frontage. The tree planting may be anywhere on the property.
  - 2) Existing trees saved on a site may be credited toward minimum tree requirements only if it is demonstrated and apparent that they have been properly protected during the development of the property. Existing trees that

will remain on the property will be credited toward the site at the rate of: 200 square feet for a Large Tree, 100 square feet for a Medium Tree, and 40 square feet for a Small Tree.

- 3) Fifty percent (50%) of all trees planted should be in a configuration that shades the parking lot. When a site, in the opinion of the Codes & Planning Director, is configured in a manner that makes planting of required trees impractical or unsafe, shrubs and ground cover may be substituted for trees.
- e. Shrubs -
- 1) No less than fifty (50) percent of the linear street frontage forming the perimeter of parking areas next to a street, exclusive of driveways and entrances, shall contain screening materials. These materials may consist of plantings from the tree and shrub categories, or ornamental fences or walls or earthen berms, or some combination thereof. This screening shall extend to a minimum of three (3) feet above the grade of the parking lot at full maturity of the shrub plantings.
  - 2) The types of shrubs that can be planted to meet the Landscaping Plan are: deciduous shrubs, evergreen shrubs, ground cover plants, perennial flowers, and ornamental grass.
- f. Landscaping and screening shall not be allowed to obstruct the view of motorists using any street, private driveway, parking aisles, or the approach to any street intersection so as to constitute a traffic hazard or condition dangerous to the public safety upon any such street.
- g. Parking areas containing more than one hundred fifty (150) spaces shall be divided into at least two parking areas, separated by a landscaped area of at least 10 feet in width. A minimum of 3 different types of planting materials must be reasonably distributed throughout the divider area.
- h. Topography or other considerations on a lot may make some areas less than desirable for planting. The use of Best Management Practices (BMPs) are seen as an acceptable alternative for the purpose of providing screening or buffer areas or to promote consistent results for landscape proposals.
- i. Landscaping plans may be amended during or after development with the approval of the Codes & Planning Director, but in all cases must comply with the overall requirements of the landscaping ordinance.

#### Sec. 10 - Miscellaneous Provisions.

- a. Damaged Buildings - For any main structure or building use which is in existence on the effective date of this section which subsequent thereto is damaged or destroyed by fire, collapse, explosion or other cause, and which is reconstructed, reestablished or repaired at a cost that exceeds 50% of the value of the building or use, landscaping shall be provided as required by this chapter for equivalent new use or construction.
- b. Minimum Requirements - All requirements in this chapter are minimum requirements. Provision of landscaping in excess of these requirements is encouraged.
- c. General Maintenance - The owner, tenant, or their agent, if any, shall be responsible for the maintenance of all landscaping located on the site required by the provisions

of this ordinance. Landscaping shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris. Any dead, severely damaged, or diseased plant shall be replaced by the owner, tenant, or their agent during the next planting season for the particular plant or plants in question.

- d. Pruning - The owner of trees overhanging public streets or right-of-way shall prune the branches so that such branches shall not obstruct the view of any street intersection and so that there shall be a clear space of seven feet (7') above the surface of a public sidewalk. Said owners shall remove all dead, diseased, or dangerous trees, or broken or decayed limbs which constitute a menace to the safety of the public.
- e. The trees, shrubs, fences, walls and other landscaping materials depicted on approved plans shall be considered as elements of the project in the same manner as parking, building materials, and other elements. The developer, his successor, and subsequent owners and their agents who are authorized to maintain the property, shall be responsible for the continued maintenance of the required landscaping elements. Landscaping may be subject to periodic inspection by the City to ensure compliance.
- f. At any time, when a use listed above has been abandoned, and trees and screening have not been installed in accordance with the provisions of this section, such tree planting and screening shall then be required prior to occupancy for any other use.

#### Sec. 11 - Compliance

All landscaping work must be completed prior to the final inspection of a building. If completion of the work or building is at such time of the year that the landscaping cannot be completed, a performance bond or other acceptable financial instrument for completion of the work may be accepted to allow the issuance of a Certificate of Occupancy.

#### Sec. 12 - Penalties.

Any person convicted of an ordinance violation of this section shall be punished as provided in Sec. 1-7 of the Code of Ordinances of the City of Kirksville.