

**CITY OF CEDAR SPRINGS
CITY COUNCIL
Kent County, Michigan**

Councilmember _____ supported by Councilmember _____, moved the adoption of the following ordinance:

ORDINANCE NO. _____

**AN ORDINANCE TO AMEND Chapter 40, Article IV, Division 2, Sec 40-447.-
Landscaping requirements OFTHE CITY CODE OF ORDINANCES**

THE CITY OF CEDAR SPRINGS ORDAINS:

Section 1. Amendment to Modify Chapter 40, Article IV Division 2, Section 40-447. That the Code of the City of Cedar Springs is amended to modify Section 40-447 to read in its entirety as follows:

Sec. 40-447. - Landscaping requirements.

The purpose of this Article is to promote the public health, safety and welfare by establishing minimum standards for the design, installation and maintenance of landscaping in parking lots, as greenbelts between uses and along roadways. Landscaping is considered by the City to be an important element of land development and is a critical factor in maintaining an attractive community character and conserving the value of land and buildings in the City. Landscaping also serves to buffer incompatible land use, moderate harsh or unpleasant sounds, remove air pollutants, reduce the glare from vehicle headlights and separate vehicular and pedestrian circulation. The landscape standards of this Article are considered the minimum necessary to achieve the objectives noted above. In several instances, the standards are intentionally flexible to encourage flexibility and creative design. Applicants are encouraged to provide additional landscaping to improve the function, appearance and value of their property.

(a) Applicability.

(1) The standards contained in this article shall be applicable to any site plan, special land use request, or PUD submitted for review and approval under this article.

(2) The regulations of this article shall not apply to individual single-family and two-family dwelling units.

(b) Modification of Required Landscaping. For existing and proposed uses that require site plan approval to either expand or be built, landscaping shall be installed insofar as practical. The Planning Commission in its review of the site plan has the authority to increase, decrease or otherwise modify the requirements of this article. In doing so, the Commission shall consider the following criteria:

- (1) The amount of space on the site available for landscaping.
 - (2). Existing landscaping on the site and on adjacent properties.
 - (3) The type of use on the site and size of the development.
 - (4) Existing and proposed adjacent land uses.
 - (5) The effect the required landscaping would have on the operation of the existing or proposed land use.
 - (6) Whether additional landscaping is necessary to mitigate the adverse effects of adjoining land uses, to reduce headlight glare, reduce noise and to otherwise achieve the objectives of this Section.
- (c) *Plan approval required.* The planting plans for required protective screening shall first be submitted to the zoning administrator for approval as to suitability of planting material and arrangement thereof. Excluded from approval are:
- (1) Ailanthus (Tree of Heaven);
 - (2) Elm trees, except disease resistant cultivars, such as 'Regal', 'Pioneer', 'Homestead', 'Jacan' and 'Accolade';
 - (3) Acer saccharinum (Soft/Silver Maple);
 - (4) Salix (Willows);
 - (5) Populus (Poplars);
 - (6) Aesculus (Horse Chestnut);
 - (7) Acer negundo (Box Elders);
 - (8) Catalpa;
 - (9) Elaeagnus
 - (10) Ginkgo biloba;
 - (11) Robinia pseudoacacia (Black Locust);
 - (12) Morus (Mulberry);
 - (13) Fraxinus (Ash Tree); and
 - (14) Gleditsia Triacanthos (Honey Locust).
 - (15) Any plant or tree species suffering from widespread disease, infestation or is listed on the Midwest Invasive Species Information Network.
- (d) *Greenbelts and screening.* A greenbelt or screening shall be provided as follows:
- (1) Wherever a non-residential zoning district or a non-residential use in a PUD zoning district abuts a Residential Zoning District or a PUD or Mixed-Use zone containing residential uses or an area recommended for residential land use in the City Master Plan.

- (2) Wherever a non-residential zoning district abuts a parcel containing a residential use such as a dwelling in a Commercial or Industrial zone.
 - (3) Wherever a non-residential use, such as a church, school, hospital, or governmental service building which may be allowed in a residential zone, abuts a parcel containing a residential use or a Residential Zoning District, or PUD or Mixed-Use zone containing residential land uses or an area recommended for residential land use in the City Master Plan.
 - (4) Wherever multi-family buildings abut an R1, R2, R4, R-R or PUD zone containing single or two-family dwellings or an area recommended for single or two family land use in the City Master Plan.
 - (5) Whenever a non-residential use or multi-family use abuts the White Pine Trail.
 - (6) The greenbelt shall be installed between the different zoning districts or uses.
 - (7) The greenbelt requirements of this section shall not apply where adjacent zoning districts or uses are separated by a public or private street. In such case, the front yard landscaping requirements of this article shall apply.
 - (8) Additional screening may be required by the planning commission, including additional greenbelt width, a wall, landscaping berm and/or fencing to prevent the creation of any nuisance, avoid annoyance by artificial lighting or incompatible activity.
- (e) *Greenbelts and screening.* Where landscaped greenbelts or screening are required one of the following shall be provided:
- (1) A greenbelt a minimum of 10 feet in width. For each 20 linear feet abutting the adjacent property, one tree shall be planted within the greenbelt. Trees shall be a mixture of evergreen, canopy and ornamental trees. Two shrubs shall be planted for each tree and each shrub shall be a minimum of 30 inches at planting and reach a minimum height of five feet at maturity. Vegetation shall maintain its density and screening effect year-round.
 - (2) A greenbelt a minimum of ten feet in width measured from the property line with a privacy fence and canopy or ornamental trees on 30-foot centers with an allotment of three shrubs per 30 feet of buffer strip.
 - (3) A four-foot brick, stone, or split block wall located along the property line with canopy trees planted on 30-foot centers located within 10 feet of the property line;
 - (4) A five-foot brick, stone or split block wall located along the property line with an adjoining five feet wide grassed area provided. No additional plantings are required.
 - (5) Berms are permitted in all zoning districts except for the B-2 district. Berms shall be constructed with slopes not to exceed a 1:3 gradient with side slopes

designed and planted to prevent erosion. Slopes shall be protected with sod, seed, shrubs or other forms of natural groundcover. Berms shall be sculpted to provide interest. Berms shall be no more than four feet in height. Installation of a berm may be used to reduce perimeter plantings by 25% at the berm location.

(f) *Parking lot landscaping.*

- (1) Off-street parking areas for uses containing more than ten parking spaces shall provide the following landscaping within a parking lot:
 - a. For parking, display, or storage areas measuring greater than two thousand (2,000) square feet, interior planting areas in above ground or sunken landscape islands, bump-outs near the perimeter of the parking lot or as boulevards shall be provided equal to not less than ten percent (10%) of the total parking, display, or storage area unless otherwise approved by the Planning Commission. Such plantings shall be evenly disbursed throughout the parking, display or storage area according to a plan approved by the Planning Commission.
 - b. A minimum of one (1) deciduous shade tree or ornamental tree shall be provided for each ten (10) parking spaces or for each planting island. Shrubs and/or live groundcover plantings shall be used to cover remaining areas of the island. A minimum of one tree shall be provided within each island.
 - c. Planting islands shall be located at the ends of each parking row, unless otherwise approved by the Planning Commission. However, a landscape island shall be required within the interior of a parking row so that there shall not be more than 20 contiguous parking spaces within any parking row.
 - d. When parking lot islands are used they shall be at least 100 square feet in area, nine feet in width and two feet shorter than adjacent parking space. Sunken landscape islands with rolled curb and/or curbing with drainage gaps are encouraged to help manage stormwater runoff.
 - e. All landscaping and perimeter screening, except designated snow storage areas, shall be protected from vehicle encroachment with concrete curbing or similar permanent means.

(g) Front Yard Landscaping.

Except for the B-2 Zone where any off -street parking area directly abuts or faces a public street, a screen shall be required between the parking area and the road right-of-way. Such screen shall consist of, at a minimum, one of the following:

- (1) A strip of land at least five feet in width and a solid screen comprised of a vegetative hedge or decorative wall, or any combination thereof, which measures at least three feet in height; or
 - (2) A strip of land at least ten feet in width within which for each 50 feet in length of road frontage two trees shall be planted. A mixture of evergreen, canopy and ornamental trees is encouraged to provide a variety of plantings along the street. Driveways shall not be counted in the determination of road frontage. Shrubs at a rate of one per each tree required. Earthen berms may be permitted within the required front yard landscape area. Credit of up to 25 percent may be received against providing the required plantings through the use of berms three feet in height or greater.
- (h) *Irrigation.* All landscaped areas including all planting beds, lawn areas, rights-of-way, and parking lot islands shall be provided with an underground irrigation system. The planning commission may permit other means of irrigation where site conditions dictate, provided drought resistant or other xeriscaping is provided.
- (j) *Maintenance.* Landscaped areas and plant materials required by this chapter including shall be kept free from refuse and debris. Plant materials, including lawn, shall be maintained in a healthy growing condition, neat and orderly in appearance in accordance with the approved site plan. If any plant material dies or becomes diseased, it shall be replaced within a reasonable period of time upon written notice from the city or within an extended time period as specified in said notice.
- (k) *Landscape Elements.*
- (1) Quality-Plant materials shall be of generally acceptable varieties and species, free from harmful insects and diseases, and hardy to Kent County, Michigan. The American Standard for Nursery Stock (2014) should be used as a reference to meet this requirement. Artificial plants are prohibited as a landscaping material under this section.
 - (2) Composition-A mixture of plant material, such as evergreens, and deciduous trees, and shrubs are recommended as a protective measure against insect and disease infestation. A limited mixture of hardy species is recommended rather than a large quantity of different species to produce a more aesthetic, cohesive design and avoid a disorderly appearing arrangement. No more than 50% of landscape plant materials shall consist of any one species. This requirement may be waived by the Zoning Administrator if written documentation is received from a professional botanist, horticulturist, or other applicable professional outlining justification of why this requirement should be waived for a specific property.
 - (3) Existing Trees- The proposed landscape plan shall integrate existing significant trees, tree stands, and natural vegetation to the greatest extent possible and shall be included in the minimum landscape requirements of this Chapter. Where

existing trees are used to satisfy the requirements of this Chapter, the following requirements shall apply:

(a) Paving or other site improvements shall not encroach upon the dripline of the existing tree(s) to be preserved.

(b) If existing plant material is labeled "to remain" on the site plan, protective techniques, such as, but not limited to, fencing or barriers placed at the dripline around the perimeter of the plant material shall be installed during construction. No materials, vehicle or other construction equipment shall be parked or stored within the dripline of any plant material intended to be saved. Other protective techniques may be used provided such methods are approved by the Zoning Administrator.

(c) In the event that healthy trees which are used to meet the minimum requirements of this Zoning Code or those labeled "to remain" are cut down, destroyed, damaged, or excavated at the dripline, as determined by the Zoning Administrator, the contractor shall replace them with trees at a one-to-one ratio: for example, for every inch in diameter of tree that is removed, one inch diameter of new tree shall be planted; or, if one 20" diameter tree is removed: it shall be replaced with ten 2" diameter trees, or replaced with five 4" diameter trees, as approved by the Zoning Administrator.

(4) Size Requirements-Where landscaping is required the following schedule sets forth minimum size requirements for representative landscape materials:

Tree Type minimum size at time of planting

Coniferous Evergreen Trees: 4 foot in height

Deciduous Shade/Canopy Tree: 2 1/2 caliper inches

Deciduous Ornamental Tree: 1 1/2 caliper inches or 6' foot in height

Deciduous Shrubs: 24" inches in height or 30" inches in spread

Upright Coniferous Shrub: 24" inches in height

Spreading Coniferous Shrub: 18 inches spread

(caliper inches measured six (6) inches above grade, height measured above grade)

(5) Installation, Maintenance and Completion

(a) All landscaping required by this Chapter shall be planted before obtaining a Certificate of Occupancy or the appropriate financial guarantee may be placed in escrow in the amount of the cost of landscaping to be released only after landscaping is completed. A temporary Certificate of Occupancy

may be issued for projects needing additional time planting the approved landscaping elements based on seasonal limitations.

(b) All landscaping and landscape elements shall be planted in a sound workmanlike manner in accordance with accepted planting procedures.

(6) Groundcover

(a) Lawn areas shall be planted in species of grass normally grown as permanent lawns in Michigan. Grass may be sodded, terra-seeded, or slot-seeded on a 2-inch topsoil base (after settling and compaction), provided that adequate measures are taken to minimize soil erosion. Sod or seed shall be clean and free of weeds and noxious pests or disease.

(b) The creative use of groundcover alternatives is encouraged. Groundcover used in lieu of grass shall be planted to present a finished appearance after one (1) complete growing season. Prairie grass and natural wildflower and grass mix may be used where appropriate.

(c) Synthetic materials shall not be used as a permitted groundcover. Use of stone and gravel as a groundcover may be permitted, subject to Planning Commission approval.

(d) Mulch shall consist of shredded hardwood bark mulch or similar natural material at a minimum depth of three (3) inches. Mulch used around trees and shrubs shall be a minimum of four (4) inches deep, and shall be pulled one (1) inch away from tree and shrub trunks. An effective edge treatment shall be provided to contain and prevent migration of the mulch.

(e) Plant materials shall not be placed closer than eight feet to a fence line or property line.

(f) Landscaping materials need not be uniformly arranged on site.

I. Plantings near utility lines and fire hydrants and clear vision requirements

(1) Required plant materials and screening shall be arranged to avoid conflicts with underground and overhead utility lines and access to or visibility of fire hydrants.

The anticipated height at maturity of trees planted near overhead utility lines shall not exceed the line height above grade.

(2) *Clear Vision Requirements.* No plantings shall be established or maintained on any lot which will obstruct the view of a vehicle driver approaching an intersection. Such unobstructed area shall mean a triangular area formed by the street property lines and a line connecting them at points 25 feet from the intersection of the street lines or in the case of a rounded property corner from the intersection of the street property lines extended.

This shall not prohibit the establishment of shrubbery less than 30 inches in height. Landscaping shall be arranged so as not to obscure traffic signs or obstruct drivers' sight distance within the parking area and at driveway entrances.

m. *Snow storage area.*

Adequate snow storage area shall be provided within the site. Plant materials in snow storage areas shall be hardy, salt-tolerant species characterized by low maintenance requirements.

n. *Loading, Storage, and Service Area Screening*

Loading, storage, and service areas, public utility and essential service uses and structures, ground equipment shelters, ground-mounted transformers, generators, and HVAC units, electric sub-stations, gas regulator stations, and similar facilities shall be screened from road rights-of-way and adjacent residential uses subject to review and approval of the Zoning Administrator and the Planning Commission.

o. The American Standard for Nursery Stock (2014) may be used to assist in the interpretation of this chapter.

Section 2. Severability and Repealer. If any portion of this Ordinance shall be held to be unlawful, the remaining portions shall remain in full force and effect. All ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Section 3. Effective Date. This ordinance shall take effect upon its publication in The Cedar Springs Post, a newspaper of general circulation in the City of Cedar Springs, consistent with state law and the City Charter.

YEAS: Councilmembers: _____

NAYS: Councilmembers: _____

ABSENT: Councilmembers:_____

ABSTAIN: Councilmembers:_____

Ordinance No. _____ **declared adopted**

Dated _____, 2017

Rebecca Newland, City Clerk

CERTIFICATION

I certify that this is a true and complete copy of a resolution adopted by the City Council of the City of Cedar Springs at a Regular Meeting held _____, 2017 and that public notice of the meeting was given pursuant to and in compliance with Act 267 of the Public Acts of Michigan of 1976, as amended.

Dated:_____, 2017

Rebecca Newland, City Clerk