ORDINANCE NO. 63-2005

MINIMUM LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING

SECTION I.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MONTGOMERY, ALABAMA, that Ordinance No. 38-63, Article VI, 8, as amended by Ordinance No. 26-1997 and 26-2000, be amended to read as follows:

8. TRANSITIONAL USE (Omitted June 1, 1977) (Ord. No. 26-77)

8.1 MINIMUM LANDSCAPING REQUIREMENTS FOR OFF-STREET PARKING

Purpose

The minimum landscaping requirements for off-street parking are provided to enhance the appearance of buildings and their parking areas, to increase the amount of shade within the parking areas, reduce the rate of stormwater runoff, and to minimize the impact of parking lots on adjacent land uses.

Applicability

(a) Newly Constructed Parking Lots

The landscaping requirements of this Ordinance shall apply to all newly constructed parking lots of ten (10) or more spaces.

(b) Existing Parking Lots:

When any existing parking lot, including those previously with less than ten (10) spaces, is expanded to include a total of at least 50 spaces, the expanded parking lot shall comply with the requirements of this Ordinance. Any changes to landscaping in existing parking lots must meet or exceed the amount and type of landscaping previously maintained.

(c) Maintenance

Section 8.7 of this ordinance shall apply to all off-street parking, whether newly constructed or existing under the previous landscape ordinance.

8.2 DEFINITIONS

Caliper refers to the diameter of a tree 6 in. above ground level.

Canopy Tree refers to a tree that typically reaches a mature height of 40 ft. or greater.

DBH (diameter at breast height) refers to the diameter of a tree 4½ ft. above ground level.

Dripline refers to the perimeter of a tree's canopy.

Landscaping refers to the treatment of grade, groundcover, vegetation and ornamentation for a given area. Landscaping shall include plant materials such as trees, shrubs, groundcovers, perennials and annuals; and any other materials such as rocks, water, walls and fences; and any other feature affecting layout and use of the site.

Outparcel refers to a parcel of land within a larger development that is developed as a site for a separate stand-alone building with its own separate parking.

Parking Area shall be the paved area including parking spaces and abutting isle ways.

Parking Lot shall be defined as any off-street area where vehicles will be parked, serviced, or stored.

Parking Space refers to a delineated area reserved for the parking of a single vehicle.

Understory Tree refers to a tree that typically reaches a mature height of 30 ft. or less.

8.3 LANDSCAPE PLAN REVIEW AND APPROVAL

Prior to the approval of a development plan, the landscape plan must be approved by the Urban Forester. A preliminary plan which lacks the planting schedule and installation details may be submitted for approval with the initial development plan. A final landscape plan meeting all of the requirements of Section 8.4 must be submitted and approved before the development plan will be released for permitting. The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor shall certify that the landscape plan submitted meets the minimum landscape requirement for off-street parking.

8.4 LANDSCAPE PLAN SUBMITTAL REQUIREMENTS

Format and Materials:

The landscaping plan and details shall be drawn to the same standard scale as the development plan. Landscape plans shall be included in the development plan submitted to the Urban Forester.

General Information:

Complete Landscape Plans submitted for review and approval shall include the following:

(a) A title block, showing the title of the development, the name and address of the owner/developer, the name and address of the person or firm preparing

the plan, the date of preparation, the scale, the north point, and the date of all revisions.

(b) A location map, showing the relative location of the site to the nearest existing public street intersection.

(c) The boundaries of the subject property including the location and description of all adjoining property, the location and names of all adjoining streets and easements.

(d) The required number of parking spaces and the proposed number of parking spaces of subject property/development.

(e) Location and dimensions of all entrances and exits of the parking lot and the manner in which vehicles will be parked, and the location and names of all utility lines, easements or right-of-ways on, or adjacent to, the site.

(f) All details needed to communicate appearance, and methods of construction and/or installation.

(g) A planting schedule, keyed to the plant materials shown on the landscape plan, listing all proposed plant materials by botanical name, common name and cultivar, if any, quantity of materials, size of materials at planting, plant spacing, and existing trees approved for use.

8.5 GENERAL REQUIREMENTS

Landscape improvements to parking lots shall be subject to the following requirements:

8.5.1 Site protection and General Planting Requirements

a) Topsoil

To the extent practicable, topsoil moved during the course of construction shall be preserved and stockpiled for re-use on the site.

b) Existing Trees

Preservation of each existing healthy tree of an approved species (see attached table), within required landscape areas, shall count toward fulfillment of these requirements.

1) The existing tree to be preserved must be approved by the Urban Forester to receive credit.

2) Existing trees that are credited towards meeting the requirements of this Section shall be subject to the same maintenance and replacement requirements as newly planted trees.

3) Each existing tree that is credited towards meeting the requirements of this Section shall reduce the number of required parking spaces by two (2). This subparagraph shall supercede and take precedence over Article III, Section 3(c) of the City's Zoning Ordinance.

c) Slope Plantings

Landscaping of all cuts and fills and/or terraces shall be matted or protected until plant cover is adequate to control erosion.

8.6 LANDSCAPING REQUIREMENTS

8.6.1 Perimeter Planting Requirements for Parking Areas (Public R.O.W. excluded)

a) A continuous perimeter planting strip, exclusive of access driveways, with an average width of 8 ft. adjacent to public right-of-way and 4 ft. adjacent to property lines, measured from the edge of the parking area, is required. Existing street trees may be applied towards perimeter planting requirements along public right-of-way.

b) Canopy trees are required, and trees of a minimum 2 in. in caliper and 12 ft. high shall be planted on 40 to 50 ft. centers. In the event that pre-existing overhead utility lines prevent the use of canopy trees, understory trees shall be planted on 30 to 40 ft. centers. Minimum lateral separation from overhead utilities shall be 20 ft. for canopy trees. At least two (2) separate species must be used. Monocultures are prohibited. Shrubbery with a minimum 18 inch height at installation capable of forming a minimum 3 foot high evergreen hedge shall be provided in the landscape areas adjacent to public right-of-way.

c) Planting strips are to be sodded, seeded, or mulched so as to leave no bare ground after landscape materials have been installed.

d) Existing trees which meet, in whole or in part, the perimeter and internal planting requirements, may be applied toward requirements. During construction, trees or groups of trees that are being preserved must have a barrier constructed to the drip-line of the tree or group of trees, given the specific site considerations.

e) Trees which meet the perimeter planting requirements, whether existing or new, may be counted as one (1) parking space per tree and be used to fulfill the total parking requirement up to 25% of the parking required. Use of trees to fulfill the parking requirements must be noted on the development plan. This subparagraph shall supercede and take precedence over Article III, Section 3(c) of the City's Zoning Ordinance.

f) Landscaping in and adjacent to parking lots shall not obstruct the driver's view of the right-of-way at driveways and intersections, including that from adjoining properties.

g) In all districts, no fence, wall, shrubbery, sign, marquee or other obstruction to vision between the heights of 3½ ft. and 15 ft. above street level shall be permitted within 20 ft. of the intersection of the right-of-way lines of two streets, or railroads, or of a street and a railroad right-of-way, subject to the requirements of the Traffic Engineer.

h) In the event that non-residential development borders residential areas, a 10 ft. wide landscape buffer shall be required along the common property boundary. Canopy trees are required in the landscape buffer, and shall be planted on 20 ft. centers in order to form a screen at maturity. All other aspects of the landscape buffer shall conform to the requirements of this ordinance. Residential boundaries MUST be noted on the development plan. Previously platted lots at the adoption of this ordinance may be exempt from 8.6.1(h) if this requirement adversely affects minimum parking requirements.

8.6.2 Internal Planting Requirements for Parking Areas

a) Based on parking area size and layout, trees shall be planted within the paved parking area so that each parking space is within 60 ft. or less of a tree. Perimeter trees and street trees as outlined above may be used to satisfy this requirement.

b) There shall be no more than 12 contiguous parking spaces without a landscape island. Trees are required in the landscape island. A landscape island used to satisfy this requirement shall contain a minimum of 250 sq. ft. of area per tree with a minimum width of 8 ft. Tree size and spacing are the same as for the perimeter planting requirements. Shrubbery shall be provided in the island.

c) Landscape islands, based on the above requirements, shall be sodded, seeded or mulched.

(d) Interior landscape islands may be counted as two (2) parking spaces per island and be used to fulfill the total parking requirement of the development. Use of landscape islands to fulfill parking requirements must be noted on the development plan. This subparagraph shall supercede and take precedence over Article III, Section 3 (c) of the City's Zoning Ordinance.

(e) An irrigation system shall be required in all landscape areas where 100 or more parking spaces are constructed.

(f) Bio-retention as part of the landscape is encouraged and may be used to meet these requirements.

8.7 MAINTENANCE

a) The Owner shall be responsible for maintaining all landscaping in good condition. The maintenance required under this section shall include the prompt replacement of all dead or damaged landscaping materials, whether from natural or unnatural causes, so as to insure continued compliance with the requirements of this Ordinance.

b) Any person, firm or corporation, violating or failing to comply with any of the requirements or provisions of this Ordinance, including but not limited to maintenance, shall be punished by a fine of not more than $300.00 per violation. A failure to remedy or correct a violation of this Ordinance, within

30 days, after having received written notice of the violation, shall continue a separate and distinct violation and will subject the person, firm or corporation to an additional fine.

c) The proceeds of all fines levied by the Montgomery Municipal Court under subparagraph (B), shall be earmarked for the use by the City of Montgomery and marked in compliance and enforcement of this Ordinance and the City's Litter, Weed and Mud Control Ordinance.

d) Any person, firm or corporation fined under this section shall have the right to appeal to the Circuit Court of Montgomery County, Alabama, as mandated by State Law.

8.8 COMPLIANCE

The architect, landscape architect, engineer, surveyor of record, horticulture professional, or landscape contractor for each project must certify to the Urban Forester that the landscaping has been installed to meet the minimum requirements of this ordinance. The site will be inspected before a final Certificate of Occupancy will be issued.

In the event that inclement weather delays the installation of landscape materials, the developer may make a written request for an extension to the time of completion. The request must specifically state the reason for the delay as well as an estimated date for completion. Failure to complete the installation within 15 days of specified date will constitute non-compliance and will be subject to a fine and/or revocation the Certificate of Occupancy.

8.9 APPROVED TREE LIST

Any existing tree to be credited as part of the landscaping requirements of this ordinance must meet the minimum DBH requirements of this table. The tree must also be of good health, retain its natural form, and its mature growth must not conflict with public utilities.

CANOPY TREES

Common Name	*Genus*	*Minimum DBH*
Oak	Quercus	8"
Ash	Fraxinus	8"
Hickory	Carya	8"
Blackgum (Tupelo)	Nyssa	10"
Elm	Ulmus	6"
Yellow Poplar	Liriodendron	10"
Cedar	Juniperus	8"
Sweetgum	Liquidambar	12"
Sycamore	Platanus	10"
Walnut	Juglans	8"
Pine	Pinus	10"
Magnolia	Magnolia	8"
Maple	Acer	4"

UNDERSTORY TREES

Common Name	*Genus*	*Minimum DBH*
Dogwood	Cornus	2"
Redbud	Cercis	4"
Mulberry	Morus	4"

SECTION 2. This ordinance shall take effect upon its passage, approval and publication, or as otherwise provided by law.

ADOPTED this 20th day of September, 2005.

Brenda Gale Blalock

BRENDA GALE BLALOCK, CITY CLERK

APPROVED: 9/22/05

Bobby Bright

BOBBY BRIGHT, MAYOR

EFFECTIVE - October 6, 2005