

Chapter 24

Landscaping and Screening

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24.01 Statement of Intent

The intent of this chapter is to foster aesthetically pleasing buildings, projects and developments which will protect and preserve the appearance, character, health, safety and welfare of the community. Specifically, these regulations are intended to increase the compatibility of adjacent uses requiring a buffer or screen between uses, to minimize the harmful impact of noise, dust, debris, motor vehicle headlight glare, or other artificial light intrusions, and other objectionable activities or impacts conducted or created by an adjoining or nearby use.

24.02 General Requirements

All previous land areas shall be brought to finished grade and planted in sod, native grasses, or other appropriate ground covers. In addition to the preferred number of trees required to be planted and maintained by this chapter, an appropriate number or amount of shrubs, ground cover and/or sod areas should be included within each project, which shall be determined by the design criteria for the project relating to visual safety, species, landscape function and lot size.

24.03 Landscaping Plan Required

All plans submitted in support of a building, project, plan review, special use or final plat shall include a landscaping plan. All landscaping plans shall include the following information:

A. North arrow and scale.

B. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

C. The location and contours, at one (1) foot intervals, of all proposed berms.

D. The location and dimensions of all existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, above or underground utilities and storm drainage systems, freestanding electrical equipment, recreational facilities, and other freestanding structural features as determined necessary by the City.

E. The location, size, spread (at the time of planting), type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to American Association of Nurserymen standards.

F. Mature sizes of plant materials shall be drawn to scale.

G. Location of hose connections and other watering sources.

H. All screening required by this chapter.

24.04 Preferred Landscape Trees and Shrubs

The City of Cheney, Kansas, maintains a list of recommended trees, shrubs and grasses for planting in public areas. This list (at the end of this chapter) shall be available to residents of the City upon request to aid in the selection of trees for private properties. The list of recommended trees, shrubs, and grasses are those listed in the publication, "Preferred Tree Species for South Central Kansas" by the Kansas Urban Forestry Council, and may be updated periodically. Other species may be acceptable upon approval by the City.

24.05 Street Trees

When planting trees, residents must keep in mind the clay soil in the Cheney area and the knowledge that this soil will retain moisture for longer periods of time than normal soils. Most of the trees recommended in this document prefer dry soils and in some cases will not tolerate wet soils. The clay soil of Cheney combined with irrigation systems may pose a real challenge for trees to survive. The table below describes the soil tolerance of the species listed. Property owners should be educated that if trees are planted with turf, the watering requirements may differ. Please refer to the following table, which describes soil tolerances and other comments of the recommended trees for Cheney.

A. Street trees shall be allowed in all residential and nonresidential districts along all local and collector streets. Street trees shall be provided as follows:

1. Street trees are preferred along street right-of-way of public or private street frontage, excluding arterial and minor arterial streets where perimeter landscaping may be required by other sections of this ordinance. Street trees shall be spaced as uniformly as possible, with an average spacing of forty (40) linear feet between trees in all districts, but not less than one (1) tree per lot in residential districts. On a corner lot a minimum of two (2) street trees shall be recommended. Street trees may count toward the required number of trees within the interior of the lot only in residential districts for single-family and two-family dwellings. Exceptions to the location and spacing of trees may be allowed to accommodate for the location of utilities, street lights, driveways, storm drain structures, sidewalks, and traffic clearance zones. A formal street tree-planting scheme shall not be required if a master landscape plan is approved for a development area.

2. There must be a minimum of six (6) feet of space between the right-of-way or sidewalk and the back of curb for the trees to be planted in this area.

3. Adequate clearance between street trees and other infrastructures shall be coordinated in such a manner to allow for the location of street trees within the right-of-way, wherever practical, and shall promote the longevity of the street trees to avoid premature loss of the trees. The street tree plan shall coordinate the locations of street trees to allow access to utilities with minimal disruption to the street trees and their supporting root systems while avoiding increased service costs to the utilities. Street trees shall observe all sight-distance requirements as determined by the City.

4. Street tree species and typical spacing requirements shall be provided with all preliminary plats and PUD plans.

5. The City Administrator, or designee, shall determine when street trees are planted, which will generally be the first appropriate planting season after the danger of construction related damage is past.

6. The developer shall be responsible for planting street trees at the completion of each phase of development.

Tree (Genus Name)	Common Name	Mature Height	Mature Width	Good Fall Color	Drought Tolerant	Tolerates Wet Soil
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MAPLE (Acer)	Freeman (Acer x freemanii)	50'-60'	40'-50'	Y	Y	S
	<ul style="list-style-type: none"> • Cultivars: Jeffersred (Autumn Blaze) • May have shallow root system 					
	Red (Acer rubrum)	40'-60'	35'-50'	Y	N	Y
	<ul style="list-style-type: none"> • Cultivars: Autumn Flame, October Glory, Red Sunset 					
	Sugar (Acer saccharum)	40'-60'	30'-50'	Y	S	N
	<ul style="list-style-type: none"> • Caddo (Seedling) • Cultivars: Commemoration, Legacy • All three are resistant to leaf tatter and more heat tolerant 					
PEAR (Pyrus)	Callery Ornamental (Pyrus calleryana)	30'-40'	15'-20'	Y	Y	N
	<ul style="list-style-type: none"> • Cultivars: Aristocrat, Autumn Blaza, Capital, Chanticleer (cv. Cleveland Select), Redspire • The Capital cultivar has only a 7'-8' spread • DO NOT plant Bradford pears as they are susceptible to ice, snow breakage 					
ASH (Fraxinus)	White Ash (Fraxinus Americana)	45'-60'+	25'-50'	Y	N	N
	<ul style="list-style-type: none"> • Cultivars: Autumn Applause, Autumn Purple, Rosehill • Autumn Purple tolerates wetter soils • Young ash trees are prone to wood borers 					
	Green Ash (Fraxinus pennsylvanica)	40'-60'	30'-45'	Y	Y	Y
	<ul style="list-style-type: none"> • Cultivars: Marshall seedless, Cimmaron, Urbanite, Patmore • Young ash trees are prone to wood borers when young 					

HACKBERRY (Celtis)	Common Hackberry (<i>Celtis occidentalis</i>)	40'-60'	40'-50'	S	Y	Y
	• Cultivars: Prairie Pride					
	Sugar Hackberry (<i>Celtis laevigata</i>)	40'-60'	40'-50'	S	S	S
	• Cultivars: All Seasons					
LINDEN (Tillia)	Littleleaf Linden (<i>Tilia cordata</i>)	35'-45'	25'-40'	S	N	N
	• Cultivars: Greenspire • Greenspire is pyramidal					
	American Linden (<i>Tilia Americana</i>)	50'-60'+	35'-40'	S	N	S
	• Cultivars: Redmond • Redmond is pyramidal					
HONEYLOCUST (Glenditsia triacanthos)	Thornless Honeylocust <i>Gleditsia triacanthos</i> var. <i>inermis</i>)	40'-60'	30'-50'	S	Y	S
	• Cultivars: Shademaster, Skyline, Maraine • Honeylocusts are susceptible to many pests • Avoid 'Sunburst' cultivar					
KENTUCKY COFFEETREE (Gymnocladus dioica)	Kentucky Coffeetree (<i>Gymnocladus dioica</i>)	50'-60'	30'-45'	S	Y	S

Tree (Genus Name)	Common Name	Mature Height	Mature Width	Good Fall Color	Drought Tolerant	Tolerates Wet Soil
OAK (Quercus)	Bur Oak (<i>Quercus macrocarpa</i>)	60'-80'	50'-70'	N	Y	S
	Chinkapin Oak (<i>Quercus muehlenbergii</i>)	35'-40'+	40'-45'	S	Y	N
	Northern Red Oak (<i>Quercus rubra</i>)	60'-75'	40'-60'	Y	N	N
	Sawtooth Oak (<i>Quercus acutissima</i>)	40'-50'	30'-45'	S	Y	S
	Shingle Oak (<i>Quercus imbricaria</i>)	50'-60'	40'-60'	S	Y	S
	Shumard Oak (<i>Quercus shumardii</i>)	60'-80'	40'-60'	Y	Y	S
	Swamp White Oak (<i>Quercus bicolor</i>)	50'-70'+	20'-50'	Y	S	Y
BALD CYPRESS (<i>Taxodium distichum</i>)	Bald Cypress (<i>Taxodium distichum</i>)	50'-70'+	20'-50'	Y	S	Y
	<ul style="list-style-type: none"> Trees usually survive drought once established but defoliate as a defense mechanism 					

AMERICAN SYCAMORE (<i>Platanus occidentalis</i>)	American Sycamore (<i>Platanus occidentalis</i>)	70'+	60'-70'	S	S	S
	<ul style="list-style-type: none"> • Prefers deep, moist soil • Known for its striking mottled, peeling bark 					
LONDON PLANETREE (<i>Platanus x acerifolia</i>)	London Planetree (<i>Platanus x acerifolia</i>)	60'-80'	50'-65'	N	S	Y
	<ul style="list-style-type: none"> • Cultivars: Bloodgood (best resistance to anthracnose) 					
GINGKO (<i>Ginkgo biloba</i>)	Ginkgo (<i>Ginkgo biloba</i>)	50'-60'+	25'-40'	Y	Y	N
	<ul style="list-style-type: none"> • Cultivars: (use only male cultivars): Autumn Gold, Princeton Sentry (narrow pyramidal form) • Slow-growing 					
ELM (<i>Ulmus</i>)	Lacebark Elm (<i>Ulmus parvifolia</i>)	40'-60'	35'-50'	S	Y	S
	<ul style="list-style-type: none"> • Cultivars: Athena, Allee • Known for its ornamental bark 					
GOLDENRAIN TREE (<i>Koelreuteria paniculata</i>)	Goldenrain Tree (<i>Koelreuteria paniculata</i>)	30'-40'	30'-40'	S	Y	N
MULBERRY (<i>Morus</i>)	White Mulberry (<i>Morus alba</i>)	30'-40'	30'-40'	N	Y	S
	<ul style="list-style-type: none"> • Use fruitless varieties only 					
CHINESE PISTACHE	Chinese Pistache	30'-35'	30'-40'	Y	Y	N

(Pistacia chinensis)	(Pistacia chinensis)					
	<ul style="list-style-type: none"> • Use cold-hardy strains if possible 					

STREET TREE TIPS: Choose a tree that is right for your soil and location. A simple soil test will determine the types of plants good for your site. Before planting any tree you should take into account “permanent fixtures” including structures, sidewalks, driveways, walks and easements. Avoid planting tall growing trees under utility wires. Avoid planting thirsty rooted trees too close to sewer or drainage lines. Avoid planting fruit bearing trees over public ways.

CODES: N – No, S- Somewhat, Y-Yes

Information in the above chart has been prepared by the City of Cheney and was compiled from information obtained in the documents titled; “Street Trees for Kansas” by the Kansas State & Extension Forestry, Kansas State University, September 1992; and, “Preferred Tree Species for South Central Kansas” by the Kansas Urban Forestry Council, March 1992; revised; December 1992; April 1999. Complete copies of either document are available at the Sedgwick County Extension Office. Other species may be acceptable upon submission of horticultural criteria supporting the quality of growth in the Cheney environment on approval of the City.

B. Prohibited Street Trees: Ailanthus, White and Silver Birch, Box Elder, Catalpa, Cottonwood, Siberian Elm, “Fruit” trees, Silver Maple, Mimosa, Pin Oak, Russian Olive, Poplar, Weeping trees, Willows, Shrubs, all Evergreens.

C. Street Tree Specifications: All street trees shall meet the City's technical specifications for material quality, minimum size, etc. Trees shall be guaranteed for a period of not less than one (1) year.

D. Street trees on the right-of-way shall be the maintenance responsibility of the adjoining property owner.

Related Information: Guidelines for Street Plantings

24.06 Residential Perimeter Landscaping

A. In residential districts, large deciduous shade or evergreen trees are recommended within the interior of each lot at a ratio of three (3) trees for every single-family dwelling, four (4) trees for every two-family dwelling and one (1) tree for every dwelling unit for multifamily buildings. Multifamily developments are required to have street trees in addition to the required interior lot trees. Perimeter and buffer landscaping trees shall not count toward the required number of trees within the interior of any lots. Trees shall also be subject to restrictive covenants.

B. When perimeter landscape buffers are required in accordance with adopted buffer design guidelines for a residential use where adjacent to a non-residential use, the landscape planting requirements shall be determined on a case-by-case basis. Such landscaping shall provide a solid visual screen.

Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Street Plantings

24.07 Non-residential Perimeter Landscaping

A. Within the front and corner side yards where a street right-of-way separates a non-residential use from property zoned or designated on the Comprehensive Plan Map for residential use, a continuous landscape area shall be provided with landscaping, clustered or spaced linearly and need not be placed evenly.

B. Where a street right-of-way separates a non-residential use from property zoned or designated on the Comprehensive Plan Map for non-residential use, a continuous fifteen (15) foot landscape area shall be provided with landscaping at a rate of one (1) deciduous shade or coniferous/evergreen tree for every fifty (50) feet of linear street frontage, and screening (berms/shrubs) across one hundred (100) percent of all parking and vehicular areas to a minimum height of three (3) feet as measured from the grade of the parking and vehicular use areas. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen trees.

C. Within the rear and interior side yards of properties zoned commercial, a wall landscaping/berming or a fence which incorporates a landscaping treatment shall be

provided at a minimum height of eight (8) feet along that portion abutting property zoned or designated on the Comprehensive Plan Map for residential use. Such screening shall be installed within a continuous landscape area. In addition, trees shall be provided at a rate of one (1) deciduous shade or coniferous/evergreen tree for every thirty (30) feet of linear property along those property lines. Also, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen trees.

D. Within the rear and interior side yards of properties zoned commercial through industrial, inclusive, a landscaping/berming or a berming/masonry wall combination which incorporates a landscape treatment shall be provided at a minimum height of eight (8) to eleven (11) feet along that portion abutting property zoned or designated on the Comprehensive Plan Map for residential use. In addition, trees shall be provided at a rate in accordance with adopted buffer design guidelines. The minimum rate shall be one (1) shade or coniferous/evergreen tree for every thirty (30) feet of linear property along the property line and one (1) ornamental tree for each three (3) required shade or evergreen trees. Such screening and landscaping shall be installed within a minimum continuous ten (10) to twenty (20) foot wide landscape area. Such landscape areas, landscape plantings and screening walls/berms may be required to be increased in accordance with adopted buffer design guidelines, or by action of the City Administrator or governing body. Such requirements may also be modified based on the amount of buffering provided by adjacent residential properties.

E. Where abutting property is zoned or designated on the Comprehensive Plan Map for non-residential use, a continuous ten (10) foot landscape area shall be provided with landscaping at a rate of one (1) deciduous shade or coniferous/evergreen tree for every twenty-five (25) feet of linear property, and screening (berms/shrubs) across fifty (50) percent of all parking and vehicular use areas to a minimum height of three (3) feet as measured from the grade of the parking and vehicular use areas. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen trees.

F. The required perimeter landscape area shall be located outside of the fenced area of the development between the fence and the street, unless this requirement is otherwise modified by the City with site development plan approval.

Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Street Plantings; Guidelines for Internal Parking Lot Landscaping

24.08 Design Planting and Criteria

Minimum planting requirements shall be as follows:

A. A variety of different species (including both deciduous and coniferous/evergreen species) shall be incorporated into the site design to provide visual interest, as well as

disease and pest resistance. A minimum of one-third of the plantings shall be evergreen/coniferous species.

B. Deciduous shade trees – two and one-half (2 ½) to three (3) inch caliper as measured twelve (12) inches above ground.

C. Coniferous/evergreen trees – six (6) to eight (8) feet in height.

D. Ornamental trees – one (1) to one and one-half (1 ½) inch caliper as measured twelve (12) inches above ground. Multi-trunk clusters (three (3) or more trunks) the smallest trunk shall be three-quarter (¾) inch.

E. Deciduous and Coniferous/Evergreen Shrubs – Three (3) to five (5) gallon container depending upon species and spacing. Spacing from three (3) to five (5) feet apart depending upon species.

F. Plant materials shall be placed intermittently against long expanses of building walls, fences and other barriers to create a softening effect.

G. Ground cover plants shall be planted in a number as appropriate by species to provide fifty (50) percent surface coverage.

H. Seeding or sodding shall be provided for total coverage within the first growing season.

I. Sod shall be used where necessary to provide coverage and soil stabilization.

J. Landscaping and planting areas shall be reasonable dispensed throughout the parking lot.

K. Detention/retention basins and ponds shall be landscaped with seed/sod and maintained in accordance with City codes. Landscaping should include shade and ornamental trees, evergreens, shrubbery, hedges and/or other live planting materials.

L. Indigenous and drought resistant plant materials should be used wherever possible. If such plant materials are not used, then an irrigation system shall be installed to provide water during a three (3) year establishment period.

M. Earthen berms and existing topography should, whenever practical, be incorporated into the landscape treatment of a site.

N. Required landscape plantings shall be coordinated with the location of utilities, driveways and traffic clearance zones.

Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Street Plantings; Guidelines for Internal Parking Lot Landscaping

24.09 Interior Landscaping Requirements Within Parking and Vehicular Use Areas

Except for those developments as listed herein, all residential and non-residential developments shall include the following interior landscaping standards within their parking and vehicular use areas:

A. Landscaping and planting areas shall be reasonable dispersed throughout the parking lot.

B. Primary landscape materials shall be trees which provide shade or are capable of providing shade at maturity. Ornamental trees, evergreen trees, shrubbery, hedges and other planting materials may be used to compliment the landscaping, but shall not be the sole means of landscaping. Effective use of earth berms and existing topography is also encouraged as a component of the landscaping plan.

C. No tree, shrub, hedge or berm shall be placed which the City determines is an obstruction to visibility, or extends into a sight-distance-triangle as set forth herein.

Related Information: Guidelines for Internal Parking Lot Landscaping

24.10 Building Facade/Foundation Landscaping Requirements

Except for those developments as listed in Section 24.03, nonresidential developments shall include the following building facade and foundation landscaping standards, unless modifications to these standards are otherwise approved by the City as part of site development plan approval:

A. Landscaping and planting areas shall be placed to provide a buffer between the parking lot or drives and building walls or pedestrian circulation. Landscape areas may be placed adjacent to the building wall or adjacent to the curb to coordinate with building overhangs and canopies, if any. A variety of shrubs, ornamental trees and/or shade trees are encouraged. Any trees used should accommodate pedestrian circulation.

B. Along any building facade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building facade or foundation. The landscape area may be a continuous area or comprised of several areas. Building facades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.

C. Each landscape area shall be planted with shrubs capable of reaching three (3) feet in height above the adjacent parking area or drive, covering a minimum of seventy-five

(75) percent of the length of the landscape area. A mixture of evergreen and deciduous shrubs shall be used to maintain seasonal interest.

D. Planting areas shall have a minimum width of either three (3) feet or the equivalent of twenty (20) percent of the building facade height as measured from the ground elevation to the top of the wall or parapet, whichever is greater.

E. Building façade and foundation landscape areas should be irrigated. Bubbler irrigation systems are encouraged in order to reduce water consumption and overspray onto pedestrian areas.

F. Landscape areas may be placed adjacent to the building wall or adjacent to the curb, with walkways, overhangs or canopies between the landscape area and building wall. Landscape areas shall generally not be placed under overhangs and canopies.

G. Berms may be incorporated in the landscape areas if positive drainage from the building is provided.

24.11 Time Landscaping Required

All required landscaping materials shall be in place prior to the time of issuance of a final Certificate of Occupancy. In periods of adverse weather conditions or construction, a temporary Certificate of Occupancy may be issued. However, this shall not relieve the owner of the responsibility to complete the required landscaping.

24.12 Selection, Installation and Maintenance

A. Landscape design and species shall be used to create visual continuity throughout the development. Landscape coordination shall occur among all phases of the development area. Trees, shrubs and other landscaping materials depicted on the approved development plans shall be considered to be characteristics of use (site improvements) in the same manner as parking, building materials and other details. The developer, its successor and/or subsequent owners and their agents, shall be responsible for maintenance of landscaping on the property on a continuing basis for the life of the development. Plant materials which exhibit evidence of insect pests, disease and/or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by the City. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and its agent or agents shall be considered in violation of the terms of the Certificate of Occupancy.

B. All landscape materials shall be installed in accordance with the current planting procedures established by the most recent addition of The American Standard of Nursery Stock, as published by the American Association of Nurserymen.

C. Selection of planting materials shall correspond with the preferred trees and shrubs specie list as outlined herein. Substitutions shall be approved by the City, in accordance with species normally grown in south eastern Kansas.

24.13 Screening Requirements

Landscaping plans for all multi-family residential, commercial, industrial and non-residential developments shall include a detailed drawing of enclosure and screening methods as provided hereinafter.

A. Unattractive elements such as trash, service and loading areas are to be located out of public view from streets, adjacent residential properties, and other highly visible areas such as parking lots, access drives, etc.

B. Refuse enclosures shall be screened from public view on all sides with a six (6) to eight (8) foot screen of either masonry and/or landscaping treatment or other compatible building material compatible with the building architecture or landscaping materials.

C. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.

D. All buildings or additions in nonresidential districts shall provide a screening fence or wall not less than eight (8) feet in height within all rear and side yards abutting property zoned for residential purposes. Such screening shall be placed so the required perimeter landscape area is located between the property line and the fence or wall. Such screening shall not be placed on property lines or within the landscape area of the development and shall not extend in front of the building line of adjacent dwellings. Such screening shall not be required where similar screening exists on the abutting residential property or where a screened storage lot is provided.

E. In industrial and commercial districts, storage of materials, products or equipment outside of a fully-enclosed building shall be one hundred (100) percent screened from public view.

F. Outdoor display confinement areas shall be enclosed with materials compatible to the building architecture such as decorative fencing (i.e., wrought iron), a building wall or other similar enclosure. Limited visibility into the display confinement area may be permitted depending upon the location of the area and the visibility of the area from nearby roadways. The display merchandise may not extend above or be stacked higher than the confinement area enclosure.

G. For purposes of this section, the phrase “screened from public view” means not visible from the subject property from adjoining properties or any “street right-of-way at any distance.

Related Information: Guidelines for Buffers Between Conventional Residential and Nonresidential Uses; Guidelines for Internal Parking Lot Landscape

24.14 Tree Preservation

A. Tree Preservation: Site plans and plats shall be designed to preserve existing trees and vegetation to the greatest extent possible and shall seek to incorporate existing stands of trees as well as individual trees. Sensitivity to site grading, storm drainage, building location and orientation and parking lot configuration shall be demonstrated by the developer to ensure tree and vegetation preservation. The intent of these regulations is to recognize the need to alter the landscape during site development activities, while setting out standards necessary to ensure tree preservation to the greatest extent possible.

B. Tree Survey: The City may require applicants to submit a tree survey indicating the size and common name of trees within the application area. Unless otherwise specified, the survey shall identify by common name and indicate by caliper size each tree twelve (12) inches or greater, as measured four and one-half (4½) feet above the ground. The tree survey shall be prepared on a topographic survey of the site to establish the tree elevation at the trunk and the drip line for individual trees and at the edge of the drip line for wooded areas. The City may grant an exception for trees or wooded areas that will not be removed or will not be adversely affected by site development operations.

C. Tree Preserved – Plat or Plan Review Determination: The developer shall prepare and present a tree preservation concept plan and statement at the time he/she attends a pre-application conference with the City or submit this information with application for a plat or plan review. The concept plan shall clearly indicate the general location and massing of wooded areas, areas with dense shrubbery, and isolated individual mature trees and designate which areas or trees are to be preserved and which are to be removed. The City shall have the authority to review and evaluate the above and advise the applicant to proceed forward or seek alternative site design to improve preservation of existing trees.

D. Location of Improvements: When determining the location of improvements within a subdivision, and the location of structures on lots, the developer should make every reasonable effort to save existing vegetation including healthy mature trees having a minimum caliper size of four (4) inches or greater, as measured four and one-half (4 ½) feet above ground level, and all shrubbery as deemed appropriate by the City.

E. Protection of Existing Trees:

1. Existing trees and their root zones that are to be saved shall be protected from all construction activities, including earthwork operations, movement and storage of equipment and vehicles and placement of construction materials and debris. Erosion protection measures may be required to prevent siltation of the tree preservation areas during construction. Protection zones may be established by the City to ensure trees and their root zones are adequately protected and are not damaged during site development operations.

2. Every effort shall be made to locate utility easements away from tree preservation areas. However, utility easements may be located adjacent to tree preservation areas as long as adequate clearance and protection is provided for the tree preservation area during the installation of the utilities adjacent to the tree preservation easement. When utilities or infrastructure systems must cross tree preservation areas, every effort shall be made to minimize tree removal in such areas. If the removal of trees within these areas is determined to be excessive, the City Administrator may require the developer to replace such trees.

3. To ensure protection of tree preservation areas, protection zones shall be delineated on the site development plans. During the construction process, such protection zones shall be identified on the property using standard orange barricade fencing or comparable fencing material approved by the City. Such fencing shall be four (4) feet in height and supported by metal channel posts spaced at a minimum of ten (10) feet on center. Such fencing shall be placed around all trees or wooded areas to be protected and shall remain erect and secure throughout all construction phases.

F. Tree Removal: Requires permit and plan.

Exceptions: A credit may be granted for all existing hardwood and evergreen trees indicated to be preserved. Trees that measure from two and one-half (2½) to eight (8) inches in caliper, as measured four and one-half (4½) feet above ground level, may be credited on a one- (1) for-one (1) basis. Trees that measure greater than eight (8) inches in caliper may be credited on a two- (2) for-one (1) basis. Credited trees may only be located in that portion of the development project where new tree plantings would otherwise be required. Tree credits shall not be granted if one of the following conditions exists:

1. Trees posing imminent danger to the public health, welfare or safety of the residents of the City of Cheney. In such instances, verbal authorization to remove such trees may be given by the City.

2. Trees that are diseased, injured, in danger of falling, or too close to existing or proposed structures.

3. Trees interfering with existing utility service, or creating unsafe vision clearance.

G. Penalty: Any tree or trees removed from within an approved tree preservation area shall be replaced with similar species or other hardwood species. Replacement trees shall meet the minimum requirements for trees as defined in Section 24.08 Design Planting and Criteria at the rate of one (1) inch caliper of replacement tree for every one (1) inch caliper of tree removed. In the event the required number of replacement trees is not practical to be planted within the portion of the tree preservation area, other locations within the development shall be determined by the City. If no other locations are determined viable, a cash escrow shall be paid equivalent to one and one-half (1½) times the monetary value of the tree or topsoil removed or destroyed up to a maximum of ten thousand (\$10,000) dollars per occurrence. Monetary value is to be determined by referring to current tables and formulas produced by the Council of Tree and Landscape Appraisers. The developer or owner shall incur the cost for the appraisal to be completed by a certified arborist using the International Society of Arboriculture Manual of Plant Appraisal. The amount shall be reviewed by the City Administrator and approved by the City. The Tree Preservation Escrow Account shall be used to install new trees on City-owned and publicly accessible property or rights-of-way.

H. Removal of Trees Within Existing Tree Preservation Areas: Property owners may not remove trees meeting the minimum requirements for tree preservation without written approval from the City. Property owners removing trees without written approval may be subject to penalty as defined in Section G above.