


CITY OF CHOCTAW
OKLAHOMA'S FIRST CHARTERED CITY

CHOCTAW



LANDSCAPE
ORDINANCE

"CELEBRATING THE PAST, ENJOYING THE
PRESENT, AND PLANNING FOR THE FUTURE"

Adopted August 14, 2007

SECTION 1. PURPOSE, REQUIREMENTS, AUTHORITY AND CREATION OF COMMUNITY APPEARANCE BOARD.

- A. Purpose: The purpose of this landscaping and screening regulation is:
 - 1. To provide good visual appeal to buildings and paved areas through the use of trees, shrubs and plants.
 - 2. To encourage areas of established native forest to be reserved within a project/development site and to properly protect preserved areas during construction.
 - 3. To preserve healthy environmental condition by providing shade, air purification and oxygen generation, groundwater recharge, storm water runoff retardation, and noise, glare and heat abatement through reservation of areas of native forest and installation of landscape.
 - 4. To buffer uncomplimentary land use.
 - 5. To require timely replacement of landscape components lost after installation.
- B. Landscaping Required. Landscaping, as required herein, shall be provided for all residential, multi-family, civic, church, office, commercial, and industrial construction in the City of Choctaw. Landscaping shall also be provided for any addition to an existing multi-family, civic, church, office, commercial, or industrial use if the proposed addition increases the size of the existing structure.
- C. Authority: The purpose of this Chapter shall be administered by the Community Appearance Board, to be made up of 7 members who shall be appointed by each Council member and the Mayor. The Board shall be comprised of residents of Choctaw. The Community Appearance Board shall review and approve all landscaping plans be submitted for multi-family, residential subdivisions, civic, church, office, commercial, and industrial construction. Existing businesses wishing to come into compliance or expanding by increasing their size of the existing structure shall comply with this ordinance.

SECTION 2. LANDSCAPE PLAN.

- A. Application: Landscaping consisting of trees, shrubs, ground cover, flowers and screening as deemed applicable shall be required for any new construction or expansion of existing uses. Hereafter, all plans submitted in support of a Final Development of Building Permit shall include a landscape plan and include screening where appropriate.

- B. Information Required: All plans submitted for approval of a landscape plan shall have the following information included:
1. North point and scale.
 2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
 3. The location, size and surface of materials of all structures and parking areas.
 4. The location, size and type of all above ground and underground utilities and structures within property notation, where appropriate, as to any safety hazards to avoid during landscape installation. Landscaping shall not interfere with above or below ground utilities or sewer systems. Landscaping shall be located to ensure long term growth.
 5. Complete and accurate botanical and common names of each plant material, the number and location of trees or plants to be placed, the size of planting and areas to receive seed or sod.
 6. Mature sizes of plant material shall be drawn to scale and called out on plan by common name of appropriate key.
 7. Location of hose connections and other water sources.
 8. The location, size and type of required screening methods as required in Section 505.
 9. Any proposed retaining walls, indicating location, size and material to be used in the construction of the wall.
 10. Chart indicating point totals for the 4 required areas of landscaping.
 - a. Section 11-503 General Standards.
 - b. Section 11-504 Minimum Requirements For Off-Street and Vehicular Use Areas.
 - c. Section 11-505 Screening Requirements.
 - d. Section 11-506 Trees Removed for land development and preservation of trees and natural forest.
 11. Stamped drawings by a landscape architect, where required by state law.

State Law Reference: 59 Oklahoma Statutes, 2001, Section 46.1 et seq.

SECTION 3. GENERAL STANDARDS.

The following criteria and standards shall apply to landscape materials and installation.

- A. Quality. All trees and shrubs used in conformance with the provision of this Section shall have well-developed leaders and tops, and roots characteristic of the species, cultivars or variety and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
- B. Distribution of Landscaping. All landscaping within a zoning district shall conform to the required point allotment for the specified district. Additional required landscaping is indicated in; 11-504 Minimum Requirements for off-street and vehicular use areas, 11-505 Screening Requirements, and 11-506 Trees removed for land development and preservation of trees and natural forest.
 - 1. All residential districts to include R-R, Rural Residential District; R-S, Single-Family Residential District; R-G, General Residential District; R-N, Neighborhood Residential District (Proposed):
 - a. 100 points per acre of site area, or portion thereof at entrances;
 - b. 60 points per acre of dedicated open space, or portion thereof.
 - 2. All commercial districts to include the C-C, Convenience Commercial District; C-O, Office Commercial District; C-G, General Commercial District; C-D, Open Display Commercial District; and C-R, Commercial Recreation District:
 - a. 80 points per acre of site area, or portion thereof.
 - b. Where 20 points shall be placed between the building facade and the public right of way.
 - 3. All industrial districts to include the I-L, Light Industrial District and I-H, Heavy Industrial District:
 - a. 80 points per acre of site area, or portion thereof.

4. Central Business District
 - a. 90 points per acre of site area, or portion thereof.
- C. Residential Placement.
 1. Landscaping is required for all entrances to residential subdivisions and shall be equally divided at all entrances, with trees making up at least 40% of the point total.
 2. Residential subdivisions shall have One (1) tree for every 60 linear feet or portion thereof. Plantings may be grouped or equally distributed.
 3. The landscaping shall be no closer than 10 foot of the public right of way or property line.
 4. The location of proposed landscaping shall be shown on the preliminary and final plat.
 5. All required landscaping must be planted prior to the issuance of an occupancy permit for any dwelling.
 6. Continual maintenance of the required trees must be provided. The property owner shall be responsible for such maintenance.
 7. In the event a tree and/or trees are removed because of road and/or utility work within the utility easements, said trees shall be replaced by the property owner.
 8. All landscaping at entrances shall be in place prior to issuance building permits.
- D. Commercial Placement:
 1. A minimum of 15% lot coverage is required for landscaping. Landscaping shall be equally dispersed so that no location is more than 60' from a landscaped area, including parking islands, and perimeter plantings.
 2. Commercial Properties shall have canopy trees lining each public right of way at once every 60 linear feet or portion thereof but not to interfere with above or below ground utilities or sewer systems.
 3. Additional required landscaping is indicated in Section 11-504.

- E. Coverage. Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a Landscape Plan. A minimum of 50% of total points shall be trees, where no less than half of the points shall be allotted to canopy trees. Shrubs shall consist of approximately fifty (50) percent flowering shrubs, grasses, perennials or annuals, approximately twenty five (25) percent evergreens and approximately twenty five (25) percent of deciduous shrubs.
1. Landscaping shall have the following characteristics:
 - a. Trees. Trees referred to in this Section shall be a species common to or adapted to this area of Oklahoma on a tree list provided by the OSU Extension Center Preferred Planting Guide.
 - (1) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall be at least 6' tall at time of planting. 5 POINTS per tree.
 - (2) Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under-story trees shall be at least 6' tall at time of planting. 4 POINTS per tree.
 - (3) Ornamental trees shall be flowering deciduous trees. All ornamental trees shall be at least 6' at time of planting. 3 POINTS per tree.
 - (4) Evergreen or conifer trees shall be at least 6' size at time of planting. 3 POINTS per tree.
 2. Shrubs. Shrubs shall be minimum 1-gallon size. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen. 1 POINT per plant.
 3. Ground cover. Ground covers used in lieu of grass in whole and in part shall be planted in such a manner as to present a finished appearance and reasonably complete coverage within one (1) year after time of planting.
 4. Lawn Grass. Grass areas may be sodded, plugged, or seeded, except that solid sod shall be used in swales, berms or other areas subject to erosion.
 5. Existing Trees. Existing trees to be preserved shall be protected during construction as follows and in accordance with the City's soil erosion and

sedimentation ordinance. The following credit shall be granted for each existing tree that is preserved in good condition:

- (1) Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. 3 POINTS per tree.
 - (2) Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. 2 POINTS per tree.
 - (3) Ornamental trees shall be flowering deciduous trees. 1 POINT per tree.
- a. Temporary fence shall be constructed around the root zone of each tree to be preserved prior to any grading or construction on the property.
 - b. No heavy equipment shall be used or stored within the area enclosed by the temporary fence.
 - c. No building materials or soil shall be stored within the area enclosed by the temporary fence.
 - d. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used as soon as roots one (1) inch or greater in diameter are encountered, except that in the vicinity of trees less than six (6) inches in diameter at four and one-half (4 ½) feet above grade, tunneling shall be used under the entire canopy. Tunneling shall be done from both directions. Soil shall be back filled in the tunnels to the same compactness as before removal.
 - e. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence and at least one (1) foot away from the tree bore (trunk) for each one (1) foot of depth of the cut.
 - f. No grading shall be done that impounds water during wet periods or increases the drainage rate so that water tables are lowered.
 - g. Fill may be placed within the area enclosed by the temporary fence provided the fill material consists of good topsoil, high in organic matter and of loamy texture, and does not exceed three (3) inches of depth.
6. Flowering Plants. Annuals and perennials shall be 3-inch or larger pot size. 1 POINT for each 10 sq ft of plant bed containing a minimum of 10 or more plants.

7. Ornamental Grasses. Grasses with a maturity size of less than 2 feet shall be 4-inch or larger pot size. Grasses with a maturity size of 3 feet or taller shall be a gallon size at time of installation. 1 POINT for each plant.
8. Above Ground Planters. Planters may be used as part of the landscaping requirements. 1 POINT for each planter.

SECTION 4. MINIMUM REQUIREMENTS FOR OFF-STREET AND VEHICULAR USE AREAS.

The interior and perimeter of parking lots and vehicular use areas, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, or within buildings are exempt from these standards.

1. Interior Landscaping. An additional ten percent (10%) minimum of the gross parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, flowering plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Planting islands may be grouped in such a way as to provide visual relief to those building elevations the public views of the project.
2. Additional criteria shall apply to the interior of parking and vehicular use areas:
 - a. Interior areas of parking and vehicular use areas shall contain planting islands. Each planting island shall have a minimum of (2) under story trees or ornamental trees or (1) one canopy tree planted in each island.
 - b. Planting islands shall be located so that no planting island is more than 60' from another planting island or landscaped area. Interior planting areas shall be a minimum of one hundred (100) square feet for each canopy tree or two hundred (200) square feet for every two under story, or ornamental trees, dimensioned in such a way as to provide a suitable area for planting. No area larger than 400 square feet shall qualify as a planting island for the purposes of this section.
 - c. Curbing and encroachment of vehicles into landscaping areas. Except as provided in Subdivision Development General Engineering Detail Standard Design, in Section 19.126, all landscape areas shall be separated from vehicular use areas by non-mountable, reinforced concrete curbing. The use of a landscaped swell may be used where conditions are favorable.
 - d. Use of Wheel Stops. All landscaped areas at the front line of off-street parking spaces may be protected from encroachment or intrusion of

vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition.

- e. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area of at least five (5) feet in depth shall be maintained between the abutting public right of way and the off-street parking or vehicular use area. This may include the public right of way.
- f. Necessary access ways from the public right-of-way shall be permitted through all landscaping.
- g. Any increase in parking over the minimum shall add an additional 8 POINTS per parking space with no less than 50% of the point total dedicated to trees.

SECTION 5 SCREENING REQUIREMENTS

1. Application. All plans submitted in support of a Final Development Plan, Building Permit or Special Use Permit shall include a detailed drawing of applicable screening methods. Such drawings may be included as part of the Landscape Plan. Any buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen.
2. Commercial Trash Bin Screening. All multi-family residential projects, mobile home parks, civic, church and all commercial, office and industrial project shall be included on the landscape plan with a detailed drawing of enclosure and screening methods to be used in connection with trash bind, storage yards, parking lots and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure will be provided for each such bin.
3. Screening Requirements shall be in compliance with Choctaw Code 12-287.
4. Limited Access to Thoroughfares and Subdivision Buffering shall be in compliance with Choctaw Code 12-219:79 (definitions) and Choctaw Code 19-127 (sight proof fence and landscaping requirements).
5. Screening Standards. A screen shall consist of a screen wall, fence, earth berm or densely planted evergreen to effectively restrict the view to adjoining property to a height of not less than eight (8) feet. Multi-story buildings must have in addition to a sight proof fence, a continuous row of deciduous canopy trees adjacent to residential land uses.

6. Screen Types-Definitions. For the purpose of this section, the following terms shall be deemed to have the meaning indicated below:
 - a. BERMS: A berm screen constructed of earthen materials shall not exceed a slope steeper than two and one-half (2 ½) feet horizontal and one (1) foot vertical. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide to soil stabilization. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 - b. FENCE-OPEN: An open weave or mesh type fence, constructed of wood or other approved materials shall be not less than six (6) feet in height, nor more than eight (8) feet. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 - c. FENCE-SOLID: A solid fence shall not be less than six (6) feet in height, nor more than eight (8) feet and shall be constructed of approved materials. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 - d. WALLS: Including retaining walls: A wall screen consisting of concrete, stone, brick, tile or similar type of approved solid masonry material, shall be not less than six (6) feet in height, nor more than eight (8) feet. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 - e. ABOVE GROUND PLANTERS: Must be a minimum of two (2) feet in height. Planted with ornamental grasses, shrubs and flowers.
7. Existing Screening. No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property, which directly abuts a residentially zoned property, without first submitting and obtaining approval for a landscaping plan, which plan provides for replacement screening conforming to all provisions of this Section.

SECTION 6. TREES REMOVED FOR LAND DEVELOPMENT AND PRESERVATION OF TREES AND NATURAL FOREST.

Remnant forest areas in Choctaw maintain the natural character of the land, enhance the value of property, preserve the quality of the watershed, and provide necessary wildlife habitat. The City of Choctaw Vegetation Map shall be referenced for any

proposed development to determine if remnant forested areas exist on the subject property.

- A. Developer shall submit a tree preservation statement describing their intent to preserve remnant forest where applicable, and comply with all state and local storm water regulations.
- B. Quality: Preservation of the remnant forested areas and replanting of deforested areas are the primary objective of this ordinance. Remnant forested areas are largely characterized by Burr Oak and Post Oak varieties of trees that exist in the Crosstimbers region.
- C. Choctaw Standard Drainage Policy. All development and/or tree removal shall conform to the City's Standard Drainage Policy, as adopted.
- D. Clearing of Land-Time Limit. No land shall be cleared for development without the submission of the Developers Tree preservation statement, and proposed landscaping plan. Where land is cleared through issuance of a signed permit issued by the City of Choctaw and construction does not begin within six (6) months from the date of the clearing permit issuance, the owner shall be required to replant the cleared property to its original natural state. A six (6) month extension of the above limit may be issued at the discretion of the City Manager or his designee.

SECTION 7. PERMITS, SECURITY, INSTALLATION AND MAINTENANCE.

- 1. Permit Required. A permit shall be required for all landscaping plans submitted for approval. A fee as set by the city council by motion or resolution shall accompany the landscaping plans.
- 2. Landscaping in place prior to Occupancy Permit. All landscaping and screening material, living and non-living, shall be healthy and in place prior to issuance of final occupancy permit. A temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting provided a security bond is properly filed with the city clerk equal to the cost of the landscaping.
- 3. Maintenance. The owner of the property shall be responsible for maintaining the landscaping required by this Article. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant material, which dies, shall be replaced with healthy plant material of similar variety and meeting the size requirements of this Ordinance.
 - a. The developer, his/her successor and/or subsequent owners, shall be responsible for the continued maintenance of all landscaping.

- b. Plant material which exhibits evidence of insects, pest, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
- c. All landscaping may be subject to periodic inspection.
- d. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this Chapter.

SECTION 8. EXEMPTIONS FOR AGGREGATE LOT DEVELOPMENT.

- 1. Public road right of way and utility easements shall not be exempt from the provisions of this Chapter but shall be in compliance with Section 11-503(C)(3) pertaining to utilities.
- 2. Open space must be landscaped and maintained prior to Occupancy and/or at the time of acceptance of the Final Plat.
- 3. Any portion of property dedicated as Greenbelt zoning shall be exempt from this landscaping ordinance, and shall be protected from construction traffic. The developed portion of the property shall be subject to this ordinance.

SECTION 9. EXISTING DEVELOPED AREAS OF NON-CONFORMANCE.

- 1. The Community Appearance Board shall establish an incentive and/or grant program for existing property owners wishing to come into compliance for implementation by the City and approved by the City Council by motion or resolution. (Ord. No. 569, 1/27/04)

SECTION 10. ENFORCEMENT, VIOLATION AND PENALTY.

- 1. Prior to issuance of Occupancy Permit, the Building Inspector must confer with the Code Enforcement Officer to insure that all required landscaping has been installed.
- 2. Any person, firm or corporation who violates any of the provisions of this Chapter or this code or the rules, regulations, or standards as adopted by this Ordinance, shall be guilty of an offense and upon conviction thereof shall be subject to a fine as set forth under Section 1-108 of the Code of Ordinances, City of Choctaw, Oklahoma. (Ord. No. 569, 1/27/04)

