

## ARTICLE XXI LANDSCAPING REGULATIONS

**1. Intent Of Landscape Review Guidelines and Standards:** The City of Liberal has adopted a landscaping review process for building sites, fences, walls and other exterior aspects of private development. The process is designed to integrate architectural elements with the surrounding neighborhood and to visually screen undesirable elements of private developments and provide for appropriate barriers against traffic, noise, heat, glare and dust. The purpose of such landscaping is to provide greenery to visually soften paved areas and buildings, provide shade, give maximum absorption of surface water and generally enhance the quality and appearance over the entire area of the project.

**2. Landscape Review As Pre-Requisite To Issuance Of Building Permit:** All applications for permits for the construction of any building or structure within any "C-O", "C-1" (where less than one hundred percent (100%) of the property is covered by a building), "C-2", "C-3", "R-2" (duplex only), "R-3", "I-P", and "PUD" Zoning Districts within the city shall be accompanied by two (2) copies of the landscape plans. Single-family residential structures are exempt from this process. The plans shall depict the elevations of all proposed buildings or structures and the proposed landscaping or other treatment of grounds, adjacent thereto. Within twenty (20) days after the receipt thereof, the Planning and Zoning Department Director shall review said landscape plans, shall either approve, modify or disapprove them. The Planning and Zoning Department Director may impose reasonable conditions upon any approval and such conditions shall be complied with.

No permit for the construction of any building or structure shall be issued in any case hereinafter mentioned unless such landscaping plans, drawings or sketches have been approved by the Planning and Zoning Department Director or the Planning Commission, as the case may be. All additions to buildings or structures in the zoning district that are of five hundred square feet (500 sq. ft.) or greater shall invoke the stipulations of this Article. The applicant can defer the installation of plantings for a period of six (6) months by submitting a bid from an area nursery made out to both the applicant and the City of Liberal for the amount of the cost and installation of said plantings. Said bid shall be accompanied by a bond for the same amount made out to the City of Liberal and shall be valid for seven (7) months. Upon the expiration of the six (6) month period, and the applicant has not conformed with the approved landscape plan, the bond shall be forfeited and the City of Liberal shall then order the installation of said improvements to the bid.

**3. Issuance Of Occupancy Permit:** No occupancy permit shall be issued until the landscape requirements have been complied with, with the exception of those portions, which have been deferred, by either the Planning and Zoning

Department Director or the Planning Commission. In general, landscaping will not be advisable during June – September of each calendar year.

**4. Appeal To The Planning Commission:** In the event the applicant, any interested person or the City of Liberal is aggrieved by the decision of the Planning and Zoning Department Director, the party may, within ten (10) days appeal to the Board of Zoning Appeals. The Board may affirm, modify, or reverse the decision of the Planning and Zoning Department Director within thirty (30) days following the filing of such appeals. Action of the Board shall be final.

**5. Landscaping and Buffering:** This section sets out the minimum landscaping and buffering requirements for new development within the City of Liberal. Three different types of landscaping/buffering are described in this section: Open Space Landscaping, Parking Lot Landscaping and Right-of-Way, and Transition Buffers. All new development shall blend with the existing character of the corridor and shall contain, as an integral component of the site design, the preservation of existing agricultural open space and/or the reintroduction of native prairie grass and other natural vegetation.

**Exemptions:** The following shall be exempt from the standards of this section:

- A. Single-Family; Single-Family dwelling (attached or detached) on its own lot.
- B. Downtown Development Landscaping: exempt from immediate compliance; rather, a two-year grace period granted, after which the developer makes improvements or grants access to the city, which may make improvements and assess costs against the property.
- C. Existing Development; Changes in Use. Improvements or repairs to existing development that do not result in an increase in floor area and changes in use that do not result in an increase in intensity.

**Open Space Landscaping:** The Open Space Landscaping standards are encouraged to be installed for all development.

- A. Plant Units Required. At least three plant units shall be provided for each 1,000 square feet of lot area or fraction thereof.
- B. Location of Plant Units. Plant units required pursuant to this section shall be installed in required front and street side yard setback areas to the maximum extent possible.

C. **Limit on Plant Units Required for Residential Development.** In no case shall more than 45 plant units be required to be installed on any single-family or duplex lot.

D. **Easements.** Established landscaping easements shall be preserved.

**Parking Lot Landscaping:** These Parking Lot Landscaping standards shall apply to all off-street parking areas containing more than five off-street parking spaces. They shall not apply to Vehicle/Equipment Storage lots, Vehicle and Equipment Sales lots or multi-level parking structures.

A. **Parking Area Screening.** Off-street parking areas shall be screened from view of the public right-of-way and from adjacent lots zoned residential. Screening shall be accomplished by shrubs, earthen berms, walls or any combination of such materials. Required screens shall be located within a landscape buffer strip with a minimum width of five feet. At least 60 plant units shall be provided within the required buffer strip for each 100 linear feet of buffer strip. Plant units shall not be required if an earthen berm or wall design is approved. Parking area screening shall be designed to obscure views of parked cars from off-site. Landscaping provided to satisfy Right-of-Way and Transition Buffer standards shall count toward satisfy these Parking Area Screening standards.

B. **Interior Area.** The following requirements shall apply to the interior of off-street parking areas. Landscaping provided to meet the Open Space, Parking Area Screening, Right-of-Way and Transition Buffer or other landscaping standards of this section shall not be counted towards meeting a project's Parking Lot (Interior Area) Landscaping requirements.

- 1) Benefits of interior landscaping include the addition of color and interest, relief from rows of parked cars and asphalt, shade and windbreaks, and assist with vehicular circulation.
- 2) Parking lot perimeters are not included in the calculations of the interior planting. The required amount of landscaping is determined by the table, shown below. Landscaped areas outside the parking lot (ex. highway setback, pad sites, etc.) may not be used to meet the interior planting requirements.

**Landscaping Required  
by Percent of Total Area**

	Total Site Area ( in square feet)		
	7,000 to 49,000	50,000 to 149,000	150,000 and over
Percent to be Landscaped	5%	8%	10%

- i. The percentage shown may be accomplished through planting islands, buffering adjacent to the building, and/or an addition to the setback.
- ii. The use of planting islands every other aisle of parking will create an environmentally comfortable parking area. The islands are required to be a minimum of 10 feet wide.
- iii. A deciduous tree is recommended for every 300 square feet of planting area. For purpose of safety and visibility, trees must have a clear trunk of at least 6 feet above finish grade. Deciduous trees with low evergreen shrubs below is recommended.
- iv. Buffering adjacent to the building is required at a minimum of 10 feet deep.
- v. All plant material used in this section must be from the list of plants provided or be approved by the Plan Commission.
- vi. Landscaping that extends beyond the 20 foot setback must meet the requirements established for the original median and setback.
- vii. Location. Parking Lot Landscaping shall be reasonably dispersed throughout off-street parking areas.
- viii. Planting Areas. The interior dimensions of any planting area used to satisfy Parking Lot Landscaping standards shall be sufficient to protect plant materials and to ensure proper growth. Planting areas that contain trees shall be at least seven feet wide, and all planting areas shall be protected by raised curbs or wheel stops to prevent damage by vehicles and vehicle overhang.

**Right-of-Way and Transition Buffers:** The Right-of-Way and Transition Buffer standards of this section require landscape buffers to be provided and maintained when certain land uses are adjacent to one another or when adjacent to certain roadway types. The standards are intended to help ease the land use transition between areas of varying development intensity; to ensure land use compatibility; and preserve the appearance of roadway areas.

- A. Exemption for Integrated Site Plans on Large Parcels. Uses in the Mixed-Use Office and Neighborhood Services district, developed as an integrated mixed land use on a parcel greater than 20 acres, and approved with an integrated landscape plan, shall be exempt from the Right-of-Way and Transition Buffer standards.
- B. Determination of Right-of-Way and Transition Buffer Requirements. The following procedure shall be followed in determining the type of buffer required.
- ii. Identify the minimum zoning classification required to accommodate the proposed use. This is the "Proposed Development/Zoning" classification of Column 1.
  - iii. Identify the actual zoning classification of the abutting site(s). This is the "Adjacent Development/Zoning" classification.
  - iv. Identify the classification of the roadway adjacent to the site of the proposed development. This is the "Adjacent Street" classification.
  - v. Determine the type of buffer required on each building site boundary (or portion thereof) by referring to the Right-of-Way and Transition Buffer Table.
  - vi. Refer to Description of Buffer Types and Options and select the desired landscaped buffer option from those set forth in that section. Any of the listed options, at the option of applicant, may be used to satisfy Right-of-Way and Transition Buffer requirements.

Proposed Development Zoning	ADJACENT DEVELOPMENT/ZONING							
	AG, R-1	Mod Den	C-O, C-1	C-2, I-P	I-1, I-2	C-3	Kansas Avenue	Pancake Boulevard
R-2	---	A	B	C	C	C	D	C
Mod Density R-3, PD, M-H, M-P	A	---	A	B	C	C	C	B
C-O, C-1	B	A	---	A	C	C	B	B
C-2, I-P	C	B	A	---	B	C	B	B
I-1, I-2	C	C	C	B	--	D	B	B
Downtown C-3	B	C	C	B	--	--	A*	NA

\* Required if lot area facing Kansas Avenue is available given building setbacks; otherwise, no transition buffer landscaping required in the C-3 Downtown along Kansas Avenue.

### C. Description of Buffer Types and Options

#### Buffer Type "A"

Width (feet)	Plant Units (per 100 feet of buffer length)	Primary Plant Material
7	60	Small Evergreen Trees
15	40	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "B"

<b>Width (feet)</b>	<b>Plant Units (per 100 feet of buffer length)</b>	<b>Primary Plant Material</b>
15	120	Small Evergreen Trees
25	100	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "C"

<b>Width (feet)</b>	<b>Plant Units (per 100 feet of buffer length)</b>	<b>Primary Plant Material</b>
25	160	Large Deciduous/ Evergreen Trees
35	140	Conifers/Evergreens/Evergreen Shrubs

Buffer Type "D"

<b>Width (feet)</b>	<b>Plant Units (per 100 feet of buffer length)</b>	<b>Primary Plant Material</b>
35	240	Fence/Wall or Berm + Large Deciduous
45	200	Large Deciduous/Evergreen Trees

- D. Location of Buffers. Right-of-Way and Transition Buffers may be required to be located along those portions of a site that are adjacent to public rights-of-way and along those portions adjoining lots with a different zoning classification. In the case of modifications or additions to an existing building or site, buffers shall only be required along those portions of the site that are directly affected by the proposed improvements, as determined by the City.
- E. Use of Buffers. Required buffers shall be reserved solely for screening and landscaping. No proposed building addition, structure, parking area or any other type of physical land improvement shall be located in a required buffer, provided that driveways or roads may cross required

buffer if necessary to provide access to the building site. Sidewalks and pedestrian paths may also be located within required buffers.

- F. **Responsibility for Installing Buffers.** The developing property shall always be responsible for providing required buffers; except that, Downtown buffer installation shall be exempt from immediate compliance; rather, a two-year grace period may be granted, after which the developer shall make improvements or grant access to the city, which may make improvements and assess costs against the property. If any developing site is adjacent to an undeveloped site and has a less intensive zoning classification than the adjacent, undeveloped site, the developing site shall have the option of merely setting aside the required land area for the buffer. Then, when the adjacent site develops, it shall be responsible for installing the required plant material.

**Dumpster Screening:** Dumpsters located in commercial districts shall be completely screened from view of roadways and adjacent sites by fences, walls or vegetative screens. The screen shall provide complete visual screening of the dumpster and be compatible in material and color with the principal structure on the lot.

**Landscape Material Standards:** The following standards shall be considered the minimum required planting standards for all trees and landscape material.

- A. **Plant Units.** Many of the landscaping standards of this section are expressed in terms of the number of "plant units" required. The following table provides a breakdown of plant unit equivalencies.

Type of Plant Material	Equivalent Plant Units
Medium or Large Deciduous Tree	10
Small Deciduous or Ornamental Tree	5
Conifer or Upright Evergreen	7
Shrub	1

- B. **Plant Quality.** Plants installed to satisfy the requirements of this shall conform to or exceed the plant quality standards of the most recent edition of American Standard for Nursery Stock, published by the American Association of Nurserymen. Plants shall be nursery grown and adapted to the local area.



- C. Artificial Plants. No artificial plants or vegetation shall be used to meet any standards of this section.
- D. Trees Recommended. Where required or permitted, trees should be of ornamental, evergreen, or of the large deciduous types, such as oak, maple, ash, hickory, or thornless honey locust.
- E. Species Mix. When more than ten trees are required to be planted to meet the standards of this section, a mix of species shall be provided. The number of species to be planted shall vary according to the overall number of trees required to be planted in accordance with the following requirements:

<b>Required Number of Trees</b>	<b>Minimum Number of Species</b>
11-20	2
21-30	3
31-40	4
41+	5

- F. Sizes.
  - i. Medium and Large Deciduous Trees. Medium and large deciduous trees planted to satisfy the standards of this section shall have a minimum caliper (diameter) of two inches, measured at a point that is at least six inches above ground level.
  - ii. Small Deciduous or Ornamental Trees. Small deciduous and ornamental trees planted to satisfy the standards of this section shall have a minimum height of four feet.
  - iii. Conifers. Conifers planted to satisfy the standards of this section shall have a minimum height of five feet.
  - iv. Upright Evergreens. Upright evergreens planted to satisfy the standards of this section shall have a minimum height of four feet.
  - v. Shrubs (Deciduous and Conifer). Shrubs may be of a size determined by the applicant, unless otherwise indicated by other sections of this development code.

- vi. **Ground Treatment.** The ground area within required landscape areas shall receive appropriate landscape treatment and present a finished appearance and reasonably complete coverage upon planting. The following standards shall apply to the design of ground treatment:
  - G. **Ground Cover.** Ground cover appropriate for the area may be planted in lieu of turf grass. Ground cover shall be of a size and spacing to provide a minimum of 50 percent coverage after the first full growing season and complete coverage at maturity. Edging shall be provided for all ground cover.
  - H. **Mulch.** Mulch shall be installed and maintained at a minimum depth of two inches on all planted areas except where ground cover plants are fully established. Mulch may be used as a permanent ground treatment in those landscape designs where ground cover or grass is inappropriate.
  - I. **Grass Seed and Sod.** Turf areas shall be planted with species suitable as permanent lawns in Liberal. Where grass seed is used, maintenance shall be provided until coverage is complete, and complete coverage shall be provided after the first full growing season.
  - J. **Use of Existing Plant Material.** Vegetation and plant material that exists on a site prior to its development may be used to satisfy the landscaping standards of this section provided that it meets the size, variety and locational requirements of this section.

### **Installation and Maintenance**

- A. **Installation.** All landscaping shall be installed according to sound nursery practices in a manner designed to encourage vigorous growth. All landscape material, living and non-living, shall be healthy and in place prior to issuance of final Occupancy Certificate. A temporary Occupancy Certificate may be issued prior to installation of required landscaping if written assurances and financial guarantees are submitted ensuring that planting will take place when planting season arrives.
- B. **Maintenance.** Trees, shrubs, fences, walls and other landscape features depicted on plans approved by the City shall be considered as elements of the project in the same manner as parking, building materials and other details are elements of the plan.
- C. The land owner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

- 1) Regular maintenance of all landscaping in good condition and in a way that presents a healthy, neat, and orderly appearance. All landscaping shall be maintained free from disease, pests, weeds and litter, including picking up sacks along Kansas Avenue, given its high visibility in the community. This maintenance shall include weeding, watering, fertilizing, pruning, mowing, edging, mulching or other maintenance, as needed and in accordance with acceptable horticultural practices;
  - 2) The repair or replacement of required landscape structures (e.g., walls, fences) to a structurally sound condition;
  - 3) The regular maintenance, repair, or replacement, where necessary, of any screening or buffering required by this section; and
  - 4) Continuous maintenance of the site.
- D. Replacement. Required landscaping shall be replaced with equivalent landscaping if it is not living within one year of issuance of a Certificate of Occupancy; except that, Downtown replacement may be required after two years.
- E. Clean-up. At the time landscaping improvements are made, the property shall be cleaned up of trash and rubbish, and shall be maintained free of debris as part of the maintenance requirements in this section.

**Alternative Compliance:** Applicants shall be entitled to demonstrate that the intent of this section can be more effectively met, in whole or in part, through alternative means. If approved, an Alternative Compliance Landscape Plan shall be substituted, in whole or in part, for a landscape plan meeting the express terms of this section.

- A. Procedure. Alternative Compliance Landscape Plans shall be prepared and submitted in accordance with the procedures established by Liberal. The plan shall be clearly labeled as an "Alternative Compliance Landscape Plan," and the plan shall clearly delineate and identify the modifications and alternatives proposed.
- B. Review Criteria. In reviewing proposed Alternative Compliance Landscape Plans, favorable consideration shall be given to exceptional landscape designs that attempt to preserve and incorporate existing vegetation in excess of minimum standards and plans that demonstrate innovative design and use of plant materials. Alternative Compliance Landscape Plans may be approved upon a positive finding for all of the following criteria:

- 1) Natural land characteristics or existing vegetation on the proposed development site would achieve the intent of this section.
- 2) Innovative landscaping or architectural design is employed on the proposed development site to achieve a buffering effect that is equivalent to the buffer standards of this section;
- 3) The required landscaping or buffering would be ineffective at maturity due to topography or the location of improvements on the site; or
- 4) The proposed alternative represents a plan that is as good or better than a plan prepared in strict compliance with the other standards of this section.

**Incentives:** Applicants shall be considered for incentive financing in the Downtown for grant funding programs conditioned on timely landscaping improvements. Business owners who have complied with this section may be included in grant programs and loan subsidies as part of Downtown improvement programs.

Applicants who improve landscaping in public open space areas, such as the public parks, may be considered for building permit credits; and applicants who prune trees on the public rights-of-way may be considered for building permit credits.

The following city program should be offered to Downtown businesses:

**City of Liberal  
Commercial Property Beautification Program**

Businesses will be reimbursed at a rate of 20 percent of the total cost, not to exceed \$4,000 per business. Applicants must provide the information and follow criteria, as listed below.

The applicant must:

- Be a owner of a commercial property with frontage on a major thoroughfare street.
- Identify the nature, scope and location of the project.
- Provide a detailed landscape plan, expenditure plan, maintenance budget and irrigation plan if applicable.
- Comply with state and local codes and ordinances.
- Receive approval from the City to assure compliance with the regulations.
- Conform to and be compatible with the city comprehensive plan.
- Improve property in the public right of way or visible from the public street, and not attach improvements to private structures.

**6. Landscape Maintenance:**

- A. All vegetation shall be provided with an adequate, permanent and accessible source of water, which shall be provided, by installed on-site water sources.
  
- C. All vegetation shall be maintained free of physical damage or injury from lack of water, excess of chemical fertilizer and other toxic chemicals, blight or diseases and such vegetation or those that show signs of damage or injury at any time shall be replaced by the same, similar or substitute vegetation at full growth.

