



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Agenda Public Works Council Committee

Tuesday, August 7, 2018

5:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

3. Approval of minutes

[MIN-18:068](#)

Minutes for the Public Works Committee Meeting on July 5, 2018

Attachments: [PW Minutes 07052018.pdf](#)

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-18:008](#)

AN ORDINANCE TO TERMINATE AND DISSOLVE THE DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO. 1; AND TO PAY ALL EXPENSES ASSOCIATED WITH THE DISSOLUTION AND TERMINATION OF THE DISTRICT

Sponsors: Engineering

Attachments: [ORD-77 2446](#)

[ORD-18:051](#)

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-326, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF LANDSCAPE, SCREENING AND TREE PRESERVATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE LANDSCAPING, BUFFERING, SCREENING AND TREE PRESERVATION FOR THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.

Attachments: [Landscape Ordinance 5th addn.pdf](#)

5. Pending Items

6. Other Business

7. Public Comments

8. Adjournment



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Legislation Details (With Text)

File #:	MIN-18:068	Version:	1	Name:	Minutes for the Public Works Committee Meeting on July 5, 2018
Type:	Minutes	Status:		Status:	To Be Introduced
File created:	7/6/2018	In control:		In control:	Public Works Council Committee
On agenda:		Final action:		Final action:	
Title:	Minutes for the Public Works Committee Meeting on July 5, 2018				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	PW Minutes 07052018.pdf				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

Minutes for the Public Works Committee Meeting on July 5, 2018



City of Jonesboro

Municipal Center
300 S. Church Street
Jonesboro, AR 72401

Meeting Minutes Public Works Council Committee

Thursday, July 5, 2018

5:00 PM

Municipal Center

1. Call To Order

2. Roll Call by City Clerk Donna Jackson

Mayor Harold Perrin was in attendance.

Present 7 - Gene Vance; Mitch Johnson; John Street; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

3. Approval of minutes

[MIN-18:058](#)

Minutes for the Public Works Committee Meeting on June 5, 2018

Attachments: [Minutes](#)

A motion was made by Councilperson Chris Moore, seconded by Councilperson Ann Williams, that this matter be Passed . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

4. New Business

ORDINANCES TO BE INTRODUCED

[ORD-18:042](#)

AN ORDINANCE TO AMEND ORDINANCE 117-34 TO PROVIDE FOR THE PLACEMENT OF SIGNS TO PROVIDE NOTICE TO THE PUBLIC OF REQUESTED PROPERTY USE CHANGES

Attachments: [Rezoning Sign Placement.pdf](#)

A motion was made by Councilperson Chris Moore, seconded by Councilperson LJ Bryant, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

[ORD-18:043](#)

AN ORDINANCE TO AMEND ORDINANCE SECTION 117-164 AND 117-175 TO AMEND PLANNED DEVELOPMENT DISTRICT CHANGES

Attachments: [Planned Development District.pdf](#)
 [Current Code as of 06182018 Sec 117-164.pdf](#)
 [Current Code as of 06182018 Sec 117-175.pdf](#)

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

RESOLUTIONS TO BE INTRODUCED

[RES-18:088](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO ENTER INTO AN AGREEMENT WITH PICKERING FIRM, INC. TO PERFORM PROFESSIONAL ENGINEERING SERVICES RELATED TO SOUTH CARAWAY WIDENING

Attachments: [Agreement.pdf](#)

The reason stated for the temporary postponement was the policy for procurement is going to be rewritten. They will take it up at their next meeting in August.

A motion was made by Councilperson John Street, seconded by Councilperson Chris Moore, that this matter be Postponed Temporarily . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

[RES-18:102](#)

A RESOLUTION TO THE CITY OF JONESBORO, ARKANSAS TO AUTHORIZE THE MAYOR TO EXECUTE THE CONTRACT TO SELL FOR REGIONS BANK FOR CLOSING ON PROPERTY LOCATED AT 4902 EAST NETTLETON AVENUE, JONESBORO, ARKANSAS

Attachments: [100824 Tract 56 Appraisal 2017-06-23](#)
 [Contract to Sell](#)

NOTE: There were A/V issues with the system being shut down and restarted. Audio comes on at 14:58, goes off at 15:03, and then comes back on at 15:08. Audio begins in the middle of the conversation.

Mayor Perrin said I called and talked with legal services in Little Rock the other day. It was just a matter of them knowing. I wanted to know why they wanted me to sign. It is nothing more than the seller wanting us to know, the entire city to know, that we are doing it. With that in mind, I would like to ask you if you could to go ahead and forward this to the full council tonight because they are trying to get ready to bid this project. This is on Watt Street. This is the Regions Bank building. Councilmember Gene Vance said that it is the old Nettleton Bank. It is the old, original Nettleton Bank. Mayor Perrin said yes.

Councilmember Mitch Johnson motioned, seconded by Councilmember Ann Williams, to forward to full Council and walk it on to tonight's agenda.

Councilmember Chris Moore said he is like the Mayor. I have been on here twenty years and I have never been a third party in a purchase contract between the railroad and anybody else. What is the explanation for why. Mayor Perrin said again, I asked

the same question to Lorie Tudor and to Pete who is over that division and all the way down to the legal department. There are cases that when they are taking property and buying it that I would say, I would hate to say the word damage, because they are giving them in this contract \$121,000. There is going to be a major retaining wall right next to that building for that overpass on Watt Street. When you have things like that, you just, sometimes, the seller prefers that someone from the city sign off on it. That is all it is saying. It is not saying that we are agreeing to that. Councilmember Moore asked if we had any liability. Mayor Perrin said no, not at all. Councilmember Moore asked if the retaining wall falls over, do we have any liability? Mayor Perrin said he asked that question. Councilmember Moore said that it seems unusual that they wouldn't just deal directly with them. I don't know why the Highway Department needs us to interfere in a contract.

City Attorney Carol Duncan said they are listing us as the grantee. Councilmember Moore asked if we are buying it from the railroad and selling it. Mayor Perrin said it is my understanding that the Highway Department is buying it directly from them. Chairman John Street said I am like you Councilmember Moore, I read that a few times and in my sixteen years, I have never seen anything like that. Mayor Perrin said I have been here twenty-five years and it is the same thing. Councilmember Moore said Chairman Street, you are an appraiser and Ms. Duncan is an attorney. Ms. Duncan said we have the right to or we have an option to exercise in it and maybe that is why they need the Mayor's signature on it because there are some clauses in here about should we ever decide to exercise our right, here is what would happen so it may just be because we have that option in there. Councilmember Moore said I rely on you for legal advice. Ms. Duncan said right. Mayor Perrin said right. Councilmember Moore said if you said go, then I will be all about it.

Councilmember LJ Bryant asked City Attorney Carol Duncan about page 4 where in bold it says the City of Jonesboro is hereby authorized and directed to make payment of the purchase funds for the conveyance to Regions Bank. Ms. Duncan said that she didn't understand and that was a question that she had for the Mayor. She said it does suggest that we are spending money. Obviously, when I read contracts, I don't read them for what we are going to spend money on because I don't make the deal. I just look at whether it is legal. When it is legal for us to spend the money, I count on you all to do that. Mayor Perrin said this is coming out of the STIP. All of this is coming out of the STIP money. Councilmember Moore said he wondered if that was the reason we were involved in that since we were paying down part of the project with the STIP money. So, instead of the Highway Department being the sole entity involved, we are actually in a partnership with the Highway Department on that overpass because we are paying part of it out of our money that we obligated at the Council, the \$90 million setback. Mayor Perrin said I am letting Ms. Duncan look. Ms. Duncan said I read it once, but like I said I don't read for whether it is a good deal. That is for you all to decide. I read for whether it is legal. Councilmember Moore said I am not worried about the dollar amount. I just want to make sure that we are not assuming a liability that we have to maintain or anything else. Mayor Perrin said he couldn't tell. I questioned them several times on that and they said nope, all it is, is that it is just simply the seller's acknowledging. In other words, Regions Bank is acknowledging that it is being bought by the Highway Department for the overpass and also again, they are giving them \$121,000 just to put that retaining wall in which is going to be right next to that drive thru. It is going to be awfully close to that building.

Ms. Duncan said she has some concerns about Exhibit A if you think we are not spending any money. Mayor Perrin said if you want to table this, then that is fine. We will let Carol look at that. Ms. Duncan said, let me call them maybe and ask them a

couple of questions. Mayor Perrin said or you can pass it on to the full council. All I am saying is that I will be down there next week at the Highway meeting. If you all want to pass it subject to approval from her or however you want to do it, that is fine. Chairman Street said that would probably be a good idea. Councilmember Moore asked Chairman Street if he wanted to change his motion to recommend to full council pending Carol's approval. Councilmember Johnson said he made the motion. Chairman Street asked Councilmember Johnson if he was willing to change his motion. Councilmember Johnson said yes. Ms. Duncan said the City Attorney is not going to be able to approve it by tonight.

Councilmember Dr. Charles Coleman said he thought they were just going to table it. Ms. Duncan said you can walk it on, but it won't go anywhere tonight or you can wait until the next council meeting. Mayor Perrin said let's just wait because I want it to be clear. Councilmember Johnson asked if it should not go ahead and come out of this committee if we are going to do it for the next council meeting or are you wanting to postpone it for a whole month. Councilmember Moore said let's recommend it to be on the next regularly scheduled council meeting. If Carol comes back and says there's a problem, then we can address it. Mayor Perrin said when I am there next week, I can tell them that our attorney wants to talk with their attorney. Ms. Duncan said yes. Mayor Perrin said that is no problem. Councilmember Johnson said my motion needs to be forward to full council at their next regularly scheduled meeting. Mayor Perrin said there you go. Councilmember Williams seconded the motion. All voted aye.

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson Ann Williams, that this matter be Recommended to Council . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

5. Pending Items

[ORD-18:040](#)

AN ORDINANCE TO AMEND CHAPTER 42 OF THE JONESBORO CODE OF ORDINANCES TO ADD ARTICLE VI SHORT-TERM RESIDENTIAL RENTALS

Chairman John Street said we have discussed this for quite some time. We will let City Attorney Carol Duncan address this.

Councilmember LJ Bryant asked Ms. Duncan, obviously I know what our intent is, but like 42-146 when we talk about 29 days or less, I mean, obviously, I guess our intent is when you are doing it for 29 days or less, but is it clear enough that it is not in the aggregate. I don't know if I am being clear. If you rented your house collectively in the entire year for 29 days or less or if it was just not a monthly rental. Does my question make sense? Ms. Duncan said it is. We are using the same language that is used under the A&P Commission in order to try to distinguish this from a month to month rental property. I mean we can add a word per rental, 29 days or less per rental if that clears that up. That might solve your issue. I think that would be easy enough to do. Councilmember Bryant said that might clear that up. Ms. Duncan said we were just trying to mirror the A&P language so there wasn't any confusion. Hotels have a different terminology as well which says 29 days or less. That is what falls under the Hotel & Motel taxes so we were trying to mirror that language, but sure we can put per rental. If you want to make that amendment, we can do that right now. Councilmember Bryant said I will offer that amendment. Councilmember Chris Moore said he would second that.

Chairman Street said we have a motion and a second to amend the ordinance to

reflect 29 days or less per rental. Councilmember Gene Vance said I am going to vote no. I think if we open this up and this becomes a business in residential areas and if we go ahead and pass this through, in my opinion, we are going to owe apologies to a lot of other home-based businesses that are not allowed to operate within our ordinances today. Councilmember Moore said he would vote no. Chairman Street said we have two no's. Councilmember Dr. Charles Coleman said he would vote no. Councilmember Moore said he is extremely uncomfortable of running, basically what seems to me to be a hotel business in a residential neighborhood. Councilmember Vance said exactly. That is what we are doing.

Chairman Street said to simplify this, we need a voice vote. The vote is as follows: Vance-No; Johnson-No; Moore-No; Coleman-No; Bryant-No; Williams-No. It is unanimous, all no. The motion does not pass. City Attorney Carol Duncan said that was just on amending it per rental, that was not on the entire ordinance. That was on amending the per rental on 29 days.

Councilmember Chris Moore motioned, seconded by Councilmember Mitch Johnson, to recommend it to the full council. All voted no so the motion does not carry.

Ms. Duncan said one thing I will say and I don't care one way or another as I have told you all this, what you have done now is that we have nothing that now either prohibits or allows these residential rentals. So, if you want something else to come forward, I would suggest that someone propose it. Councilmember Moore asked what would we do to prohibit it? Would we by voting down an ordinance to allow it, does that not prohibit it. Ms. Duncan said no because we don't have an ordinance that prohibits it. You are going to have to create an ordinance that prohibits it. Right now, it is allowed without any restrictions. Councilmember Vance asked if our ordinance on home-based businesses would cover it. Ms. Duncan said I don't believe so. I could look at it. Councilmember Vance asked, could we add that to it? Councilmember Moore said let me ask you to recommend to us where we should add it into our Code of Ordinances to prohibit it. Should it be under home-based businesses or should it be under the hotel? Ms. Duncan said ok.

A motion was made by Councilperson Chris Moore, seconded by Councilperson Mitch Johnson, that this matter be Recommended to Council . The motion FAILED with the following vote.

Nay: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams

6. Other Business

7. Public Comments

8. Adjournment

A motion was made by Councilperson Mitch Johnson, seconded by Councilperson LJ Bryant, that this meeting be Adjourned . The motion PASSED with the following vote.

Aye: 6 - Gene Vance; Mitch Johnson; Chris Moore; Charles Coleman; LJ Bryant and Ann Williams



Legislation Details (With Text)

File #:	ORD-18:008	Version:	1	Name:	TERMINATE AND DISSOLVE THE DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO. 1; AND TO PAY ALL EXPENSES ASSOCIATED WITH THE DISSOLUTION AND TERMINATION OF THE DISTRICT
Type:	Ordinance	Status:			To Be Introduced
File created:	1/9/2018	In control:			Public Works Council Committee
On agenda:		Final action:			
Title:	AN ORDINANCE TO TERMINATE AND DISSOLVE THE DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO. 1; AND TO PAY ALL EXPENSES ASSOCIATED WITH THE DISSOLUTION AND TERMINATION OF THE DISTRICT				
Sponsors:	Engineering				
Indexes:					
Code sections:					
Attachments:	ORD-77 2446				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

AN ORDINANCE TO TERMINATE AND DISSOLVE THE DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO. 1; AND TO PAY ALL EXPENSES ASSOCIATED WITH THE DISSOLUTION AND TERMINATION OF THE DISTRICT

WHEREAS, the Downtown Jonesboro Improvement District No. 1 (referred to as District No. 1) was created by Ordinance Number 77:2146 and its Enactment Number is 1567; and,

WHEREAS, District No. 1 was established October 16, 1978; and,

WHEREAS, the purpose of the District No. 1 was to pay for necessary and needed improvements to Downtown Jonesboro; and,

WHEREAS, assessments were levied and improvements constructed; and,

WHEREAS, all improvements are complete and paid for in full and all bonds that were issued have been paid; and,

WHEREAS, no surplus of funds remain in District No. 1's account.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

Section 1: The Downtown Jonesboro Improvement District No. 1 (referred to as District No. 1) included all of the land described in attached ORD-77:2146 which is attached to this Ordinance and made a part of this Ordinance.

Section 2: District No. 1 has completed all improvements and all improvements have been paid and all bonds

have been paid.

Section 3: District No. 1 has no surplus of funds in its account.

Section 4: District No. 1 Commissioners are James E. Sloan, Ben Owens, Dr. Joe T. Wilson, Danny McDaniel, and Joe Heinemann.

Section 5: District No. 1 has not been levying assessment for ten years or more and District No. 1 is hereby terminated and dissolved as of the date this Ordinance is passed.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-77:2146

Agenda Date:

Version: 1

Status: Passed

In Control: City Council

File Type: Ordinance

AN ORDINANCE ESTABLISHING THE DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO.1 OF THE CITY OF JONESBORO, ARKANSAS

WHEREAS, parties claiming to be more than two-thirds in value, as shown by the last County assessment of the owners of the property located within the territory hereinafter described, have filed a Petition praying that a central business improvement district be established for the purpose herein after set out; and

WHEREAS, after due notice as required by law, the City Council of the City of Jonesboro, Arkansas, has heard all parties desiring to be heard and has ascertained that said Petition was signed by more than two-thirds in value, as shown by the last County assessment of the owners of real property situated within said territory;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Jonesboro, Arkansas:

Section 1: There is hereby established a central business improvement district, under the authority of Act 162 of 1973 as amended, the boundaries of which are as follows;

Begin at the intersection of the South line of East Matthews Avenue and the East line of Carson Street and run east to the intersection of the West line of Citizens Street; thence South along the West line of Citizens Street to the Southeast Corner of Lot 5 of Cobb's Survey of the Northwest Quarter of the Northeast Quarter of Section 19, Township 14 North, Range 4 East; thence West along the South line of Lot 5 and Lot 6 of said Cobb's Survey to the East line of Lot 3 of J.D.C. Cobb Addition; thence South along said East line to the South line of said Lot 3; thence West along said South line to the West line of Cobb Street; thence South along the East side of Charles A. Stuck Subdivision of the South 221 feet of Lot 5 of Warner's Addition to the North line of Buffalo Street; thence West along said North line to the West line of Jeter Drive; thence North along said West line to the South-east corner of Schade and Crall Subdivision; thence West along the South line of Schade & Crall Subdivision to the West line of Church Street; thence South to the South line of Lot 1 of Knight's First Addition; thence West along said South line to the West line of Main Street; thence South to the North line of Warner Avenue; thence West along the North line of Warner Avenue to a point 100 feet East of the East line of Madison Street; thence North 145 feet; thence West to the West line of Madison Street; thence North to the North line of Matthews Avenue; thence West to the West line of Lot 19 of Homer Parr Addition; thence North along said West line to the Northwest corner of said Lot 19; thence West to the Southwest corner of Lot 9 of said Addition; thence North to the North line of Jefferson Avenue; thence West to the

Southwest corner of Lot 12 of Cobb's Survey of the Southeast Quarter of the Southwest Quarter of Section 18, Township 14 North, Range 4 East; thence North along the West line thereof to the South line of Lot 6 of Cobb's Survey of said Southeast Quarter of the Southwest Quarter; thence West along the South line of said Lot 6 and Lot 7 of Cobb's Survey of the Southwest Quarter of the Southwest Quarter of Section 18, Township 14 North, Range 4 East to the Southwest corner of said Lot 5; thence North to the North line of Washington Avenue; thence East to the Southwest corner of Lot 10 of Flossie Ritter's Addition; thence North to the North line of Monroe Avenue; thence East to the Southwest corner of Lot 5 of Carson's Sub of Block 6 of Flint's Addition; thence North to the North line of Huntington Avenue; thence West to the East line of Sharp Street; thence North to the railroad right-of-way; thence Northeasterly and Easterly along said railroad right-of-way to the Northeast corner of Lot 1 of Cate's Subdivision of Block 17 of Flint's Addition; thence South to the Northwest corner of Lot 5, Block 3 of Hurley and Moore's Addition; thence East to the Northeast Corner of Lot 1 in Block 1 of said Hurley & Moore's Addition, being the West line of Van Dyne Street; thence South to the South line of Creath Street; thence West to the East line of Carson Street; thence South to the South line of Monroe Avenue; thence East to the West line of Bridge Street; thence South to the South line of Washington Avenue; thence West to the Northeast corner of Lot 28 of Cobb's Survey of the Southwest Quarter of the South-east Quarter of Section 18, Township 14 North, Range 4 East; thence South to the North line of Lot 31 of said Cobb Survey; thence East to the Northeast corner of said Lot 31; thence South to the Southeast corner of Lot 34 of said Cobb's Survey; thence West to the East line of Carson Street thence South to the point of beginning.

Said district is hereby established for the purpose of constructing, establishing and operating the following; parking facilities (including one or more parking garages), sidewalks, plazas, landscaping, fountains, pedestrian overpasses, and such other improvements, facilities, services and equipment as may be authorized by said Act 162 of 1973, all to be located, constructed, operated and maintained in such manner and with such materials and other such circumstances and conditions as the commissioners to be selected for said district shall deem for the best interest of the District, and that the cost thereof be assessed and charged upon the real property described above.

Section 2: The said central business improvement district shall be known as Downtown Jonesboro Improvement District No.1 of the City of Jonesboro, Arkansas, and James E. Sloan, Ben Owens, Dr. Joe T. Wilson, Danny McDaniel, and Joe Heinemann are hereby named commissioners.

Section 3: It is hereby found and declared that the deterioration of the central business district is a threat to the property tax and revenue sources of the City of Jonesboro, Arkansas, and that the elimination of urban blight and decay and the modernization and general improvement of such central business district is urgent. Therefore, an emergency is declared to exist, and this Ordinance, being necessary for the preservation of the public peace, health and safety, shall take effects and be in force from the date of its approval.

PASSED and ADOPTED this 21st day of March, 1977.



City of Jonesboro

300 S. Church Street
Jonesboro, AR 72401

Text File

File Number: ORD-78:1971

Agenda Date:

Version: 1

Status: Passed

In Control: City Council

File Type: Ordinance

AN ORDINANCE ASSESSING THE VALUE OF BENEFITS TO BE RECEIVED BY THE OWNERS OF EACH OF THE SEVERAL BLOCKS, LOTS AND PARCELS OF LAND WITHIN DOWNTOWN JONESBORO IMPROVEMENT DISTRICT NO. 1 OF THE CITY OF JONESBORO, ARKANSAS

WHEREAS, a two-thirds majority in value of the property holders owning property adjoining the locality to be affected and situated in Downtown Jonesboro Improvement District No. 1 of the City of Jonesboro, Arkansas organized for such purposes of as are authorized by Act 162 of the Acts of the General Assembly for the State of Arkansas for the years 1973, as amended, have petitioned the City Council of the City of Jonesboro for the construction of said improvement, and that the cost thereof shall be assessed upon the real property of said District according to the benefits received; and

WHEREAS, said benefits received by each and every block, lot and parcel of real property situated in said District equals or exceeds the local assessment thereon; and

WHEREAS, the estimated cost of said improvement is \$760,250.00 (exclusive of funds to be provided by the City of Jonesboro):

NOW, THEREFORE, be it ordained by the City Council of the City of Jonesboro, Arkansas:

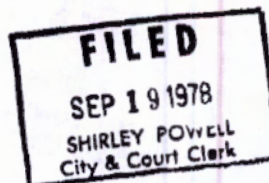
Section 1: That the several blocks, lots and parcels of real property in said Downtown Jonesboro Improvement District No. 1 of the City of Jonesboro, Arkansas be assessed according to the Assessment List for said Improvement District as the same now remains in the office of the City Clerk, and that 4% of the assessment of each of the said blocks, lots and parcels shall be collected by the County Collector with the first installment of general taxes becoming due in the year 1979 and annually thereafter; provided, however, that in years subsequent to 1979 the installment of the annual assessment required to be paid hereunder may be paid in quarterly installments along with the quarterly installments of an valorem taxes, at the election of the taxpayer. Said annual installments shall continue to be paid until the whole of said local assessment shall have been paid.

Section 2: All ordinances and parts of ordinances in conflict herewith are repealed, and this ordinance shall be in full force and effect from and after its passage.

PASSED and ADOPTED this 16th day of October, 1978.

NOTICE OF FILING OF ASSESSMENT

The assessment of Downtown Jonesboro Improvement District No. 1 of the City of Jonesboro, Arkansas was filed in my office on the 19 day of Sept, 1978, and the same is now subject to inspection.



CERTIFICATE OF ASSESSORS
TO ASSESSMENT LIST

We, MARY S. DOTY, WILLIAM G. MC CRACKEN
and LLOYD MC CRACKEN, the Assessors for Downtown
Jonesboro Improvement District No. 1 of the City of Jonesboro,
Arkansas, hereby certify that the foregoing roll contains a list
of real property in said District subject to assessment for the
making of said local improvements, and that we have described
properly each lot, block, parcel of real property and railroad
track and railroad right-of-way in said District and have in-
serted opposite thereto the amount of benefits in dollars and
cents which will be received by each by reason of the making of
the said local improvements contemplated in the Report of Plans
of the Commissions of said District to the City Council of the
City of Jonesboro made and amended from time to time in which
there has been reported the estimated costs of said improvements,
which plans have also been exhibited and explained to us by the
Commissioners and Architects for the District. We further
certify that we have made these assessments as a Board of As-
sessors at a meeting or meetings at which we were all present,
and not as individuals.

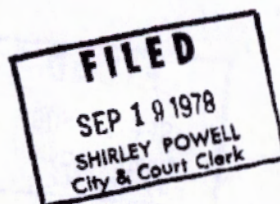
Dated: 19 September, 1978.

Mary S. Doty

William G. Mc Cracken

Lloyd Mc Cracken

ASSESSORS





Legislation Details (With Text)

File #:	ORD-18:051	Version:	1	Name:	AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-326, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF LANDSCAPE, SCREENING AND TREE PRESERVATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE LAND
Type:	Ordinance	Status:			To Be Introduced
File created:	7/25/2018	In control:			Public Works Council Committee
On agenda:		Final action:			
Title:	AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-326, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF LANDSCAPE, SCREENING AND TREE PRESERVATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE LANDSCAPING, BUFFERING, SCREENING AND TREE PRESERVATION FOR THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.				
Sponsors:					
Indexes:					
Code sections:					
Attachments:	Landscape Ordinance 5th addn.pdf				

Date	Ver.	Action By	Action	Result
------	------	-----------	--------	--------

AN ORDINANCE AMENDING THE JONESBORO CODE OF ORDINANCES, SECTION 117-326, FOR THE PURPOSE OF PROVIDING MINIMUM STANDARDS FOR THE PROVISION OF LANDSCAPE, SCREENING AND TREE PRESERVATION WITHIN THE CITY OF JONESBORO, ARKANSAS, WITH THE INTENT TO PROMOTE LANDSCAPING, BUFFERING, SCREENING AND TREE PRESERVATION FOR THE GENERAL HEALTH, SAFETY AND WELFARE OF THE COMMUNITY.
BE IT THEREFORE ORDAINED BY THE CITY COUNCIL OF THE CITY OF JONESBORO, ARKANSAS THAT:

SECTION 1. THE CURRENT LANGUAGE IN SECTION 117-326 SHALL BE REPEALED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:

Sec. 117-326. Landscaping and Screening

This section sets out the minimum landscaping and screening and tree preservation requirements for new development in the city as follows:

1. Applicability exemptions. The following shall be exempt from the standards of this section:
 - a. Residential. The AG, RR, R-O, RS-1 - RS-8, R-1, R-1A, and RU-I districts shall be exempt from all standards of this section.

- b. Existing development. Improvements or repairs to existing development that do not result in an increase in floor area, or changes in use that do not result in an increase in floor area and do not result in an increase in intensity, shall also be exempt from all the standards of this section.
- 2. General Landscaping requirements. All new development and redevelopment must provide a landscape plan meeting the requirements below.
- 3. A percentage of the total land area currently under development will be devoted to landscaping.
 - a. If the total current development area is two acres or more, the developer must provide either a minimum of 20 percent green space with at least one new tree or shrub meeting the plant criteria herein for each 2,000 square feet of the total development area; or, a minimum of 15 percent green space with one tree or shrub for every 1,000 square feet of total development area. If the developer opts to use the 15 percent green space option, tree size must be increase from two and one-half inch ball and burlap to four-inch ball and burlap.
 - b. If the development is less than two acres, at least one new tree or shrub meeting the plant criteria herein must be provided for each 1,000 square feet of the total land area for developments up to two acres.
- 4. Criteria for plant materials:
 - a. A minimum of 25% of the plant materials required under this code shall consist of trees of which 40% shall be native species.
 - b. Parking lots containing ten (10) or more spaces shall be landscaped in the following manner:
 - 1. Narrow tree lawn. A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be ten feet (10') and a minimum length of eighteen feet (18'), or an area of not less than three hundred twenty-four square feet (324 sf). If the parking area is a double bay parking area, the tree island shall be a minimum width of eighteen feet (18') and a minimum length of thirty-six feet (36'), or an area of not less than six hundred forty-eight square feet (648 sf). One tree shall be planted for every 15 parking spaces with this option, with the maximum run of 15 parking spaces permitted without a tree island.

Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands. In addition, all street trees must be spaced at a minimum of forty feet (40'). All tree planted to meet these requirements shall be deciduous shade trees.
 - c. New plants may be selected from the recommended plants list provided by the Planning and Zoning Department. Plants should be selected for hardiness in local zones. Plants should be arranged to facilitate growth and avoid damage by development. The following trees shall not be used in a landscape plan:

1. Black locust (*Robinia Pseudacacia*)
2. Cottonwood (*Populus Trichocarps*)
3. Bradford pear (*Pyrus Calleryana* “Bradford”)
4. Southern live oak (*Quercus Virginiana*)
5. Mimosa (*Albizia Julibrissin*)
6. Privet (*Ligustrum Sinese*)

- d. Deciduous ornamental trees must be balled and burlapped, have at least two and one-half inch caliper, and be at least eight (8) feet tall. Deciduous shade trees must be balled and burlapped, have at least two and one-half inch caliper by at least eight (8) feet tall. Evergreen trees must be balled and burlapped and be at least ten (10) feet in height above natural grade.

No more than 25% of the total number of trees may be ornamental trees, and at least 10% of the trees shall be evergreen. Shrubs are to be five-gallon size, minimum.

- e. Perennials from the recommended plants list qualify as a plant selection to meet minimum requirements in the ratio of 20:1. Twenty perennials, six inch pot size, equal one shrub. Perennials qualify as plant selections to a maximum of 15% of the required number of plants.
- f. Credit to the plant requirement will be considered for existing trees, provided: they are of a desirable type, are healthy specimens, they contribute to the compatibility of the development, and they are not threatened by the construction or placement of the proposed development. Existing trees may not have a change in grade under the tree canopy greater than +_4. In addition, the health of existing trees must be certified by a licensed arborist. Qualification or placement of the proposed plant material must be verified with the Planning and Zoning Department.

5. Landscape buffer zones, screening fences, or walls will be required where nonresidential zones abut residential zones. Landscape buffer zones, screening fences, or screening walls may also be required where multi-family zones abut low-density residential zones. The width of the required buffer shall be verified with the Planning and Zoning Department. If plants are to be used for screening, they must be evergreen and planted to provide a solid screen within three (3) years.

6. Installation, maintenance, and replacement

- a. **Installation.** All landscaping shall be installed according to sound nursery practices and in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a certificate of occupancy or a bond or letter of credit for the full amount of the landscaping.
- b. **Maintenance and replacement.** Trees, shrubs, fences, walls and other landscape features, which includes screening 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. The landowner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping, must be kept 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. 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., fences and walls, to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, or any landscaping required by the section; and
4. Continuous maintenance of the site.

Recommended Plant List

Large Shrubs/small trees appropriate under power lines.

Scientific Name Remarks	Common Name	Landscape
Size: height x width		
<i>Acer Buergerianum</i> Fall color variable and rare	Trident Maple	25' x 20'
<i>Acer Ginnala</i> x 15' Flame fall color	Amur Maple	18'
<i>Acer Griseum</i> Exceptional bark; partial sun	Paperbark Maple	20' x 10'
<i>Acer Palmatum</i> 'Bloodgood'/'T Rompenburg'	Japanese Maple	variable
<i>Acer Tataricum</i> Variable fall color	Tatarian Maple	20' x 20'
<i>Acer Truncatum</i> Yellow/orange fall color (Fire Dragon')	Shantung Maple	20' x 20'

<i>Amelanchier Stolonifera</i>	Running Serviceberry	5' x 5'
<i>Carpinus Caroliniana</i>	American Hornbeam	25' x 25'
	Variable fall color (orange/red)	
<i>Cercis Canadensis</i>	Eastern Redbud	20' x 20'
No fall color; showy		
		March/early April
<i>Chionanthus Retusus</i>	Chinese Fringetree	20' x 24'
No fall color; flws. late April		
<i>Chionanthus Virginicus</i>	White Fringetree	20' x 20'
No fall color; flws. late April		
<i>Cornus Kousa</i>	Kousa Dogwood	25' x 25'
<i>Cornus Florida</i>	Florida Dogwood	20' x 25'
Except flowers; avoid full sun		
<i>Cotinus Coggygria</i>	Smoketree	12' x 12'
Intense purple foliage		
<i>Hamamelis Vernalis</i>	Vernal Witchhazel	10' x 15'
<i>Koelreuteria Pediculate</i>	Goldenraintree	25' x 25'
Attractive, flws, summer		
<i>Lagerstroemia sp.</i>	Crapemyrtle	8' to 40' tall
Summer flowers		
<i>Maclura Pomifera</i>	Osage-orange	25' x 28'
No fall color, large fruit		
<i>Magnolia Stellate</i>	Star Magnolia	15' x 15'
Attractive white flws. March;		
<i>Magnolia Kobus</i>	Kobus Magnolia	30' x 30'
<i>Hybrids ('Jane', 'Ricki',</i>		15' x 15'
<i>'Susan')</i>		
<i>Magnolia x Soulangiana</i>	Saucer Magnolia	25' x 25'
White/pink saucer flws		
<i>Magnolia Virginia</i>	Sweetbay Magnolia	18' x 12'
Semi-evergreen		
<i>Malus sp.</i>	Crabapple	6 to 20' tall
Attractive white flws, March		
<i>Morus Alba "Pendula"</i>	Weeping White Mulberry	15' x 15'
Specimen; weeping habit		
<i>Prunus Serrulata "Kwanzan"</i>	Yoshino cherry	20' x 25'

Crown shaped like a martini

Rhus aromatic **Fragrant Sumac** 8' x 8'

Rhus Glabra/R. Copalina **Smooth Sumac** 18' x 18'

Red Fall color; suckering habit

Flameleaf Sumac

Focal Trees (not to be used as a substitute for street trees)

Amelanchier Arborea **Downy Serviceberry** 30' x 30'

Carpinus Caroliniana **American Hornbeam** 30' x 25'

Hamamelis Virginiana **Common Witchhazel** 20' x 20'

Lagerstroemia Indica **Crape Myrtle** 30' x 20'

Trees appropriate in urban settings as street trees.

Scientific Name	Common Name	Landscape	Size:
Remarks			
H x W			
<i>Acer Rubrum</i> 60'	Red Maple Red fall color		65 x
<i>Carpinus Betulus "Fastigiata"</i> Yellowish fall color	European Hornbeam	25' x 15'	
<i>Carpinus Caroliniana</i>	American Hornbeam	30' x 25'	
<i>Ginkgo Biloba (male)</i> Butter yellow fall color	Ginkgo		70' x 55'
<i>Gleditsia Triacanthos</i> Small leaf litter	Thornless Honeylocust	45' x 45'	
<i>Gymnocladus Dioicus (male)</i>	Kentucky Coffeetree	60' x 60'	
<i>Liquidambar Styraciflua</i> Fruitless only	Sweetgum	55' x 35'	
<i>Ostrya Virginiana</i>	American Hophornbeam	40' x 25'	
<i>Pistacia Chinensis</i> Fall color variable	Chinese Pistache	25' x 25'	
<i>Taxodium Distichum</i>	Baldcypress		60' x 35'
<i>Tilia Cordata "Greenspire"</i>	Littleleaf Linden	45' x 30'	
<i>Ulmus Americana</i> 50'	American Elm DED resistant variety		65' x

<i>Ulmus Parvifolia</i>	Chinese/Lacebark Elm	40' x 35'
<i>Zelkova Serrata</i> Vase Shaped	Zelkova	35' x 35'

Narrow or columnar trees.

Scientific Name Remarks	Common Name	Landscape
Height x width		
<i>Acer Sacchuram "Reba"</i>	Belle Tower Sugar Maple	35' x 10'
<i>Carpinus Betulus "Fastigiata"</i>	European Hornbeam	25' x 15'
<i>Ginko Biloba</i> 55' x 15'	Ginko	
<i>Liquidambar Styraciflua</i> Bears fruit	Sweetgum	65' x 35'
<i>Quercus Robur</i>	English Oak	50' x 50"
<i>Quercus X Crimson Spire</i>	Oak	45' x 15'
<i>Taxodium Ascendens</i>	Pondcypress	45' x 15'
<i>Zeldova Serrata</i>	Zelkova	75' x 55'

Shade or lawn trees.

Scientific Name Remarks	Common Name	Landscape
Height x width		
<i>Acer Rubrum</i> 60'	Red Maple Red fall color	65' x
<i>Acer Saccharum</i> Flame fall color	Sugar Maple	65' x 60'
<i>Acer X Freemanii</i> Very fast growing	Freeman Maple	60' x 50'
<i>Gymnocladus Dioicus male</i>	Kentucky Cofftree	60' x 60'
<i>Liquidambar Styraciflua</i> Fruitless varieties only	Sweetgum	55' x 45'
<i>Liriodendron Tulipifera</i>	Tuliptree	80' x 50'

Soft yellow fall color

Magnolia Grandiflora **Southern Magnolia** 75' x 65'

Metasequoia Glyptostroboides **Dawn Redwood** 55' x 30'

Cooper brown fall color

Nyssa Sylvatica **Black Tupelo** 50' x 50'

True Red fall color

Quercus Alba **White Oak** 75' x

65' Maroon fall color

Quercus Michauxii **Swamp Oak** 70' x 70'

Fall color not significant

Quercus Coccinea **Scarlet Oak** 70' x 70'

Maroon fall color

Quercus Falcate **S. Red Oak** 75' x 75'

Fall color not significant

Quercus Imbricaria **Shingle Oak** 60' x 60'

Yellow-brown fall color

Quercus Muehlenbergii **Chinkapin Oak** 50' x 50'

Fall color not significant

Quercus Nigra **Water Oak** 75' x 75'

No fall color

Quercus Palustris **Pin Oak** 65' x 50'

Maroon fall color

Quercus Phellos **Willow Oak** 60' x 40'

Muted orange fall color

Quercus Rubra **N. Red Oak** 70' x 70'

Maroon fall color

Quercus Shumardii **Shumard Oak** 70' x 70'

Orange red fall color

Taxodium Distichum **Bald Cypress** 60' x 35'

Cooper brown fall color

Tilia Cordata **Littleleaf Linden** 45' x 30'

Fragrant flowers in June

Ulmus Americana **American Elm** 70' x 55'

Select DED resistant variety

Ulmus Parvifolia **Chinese/Lacebark Elm** 40' x 30'

Zelkova Serrata **Zelkova** 35' x 35'

Vase shaped

Shrubs

Scientific Name Remarks	Common Name	Size
<i>Ilex Glabra</i> Evergreen	Inkberry	Large
<i>Aesculus Parviflora</i> Deciduous	Bottlebrush Buckeye	Large
<i>Euonymus Americanus</i> Deciduous	Strawberrybush	Large
<i>Fothergilla Major</i> Deciduous	Fothergilla	Large
<i>Hydrangea Quercifolia</i> Deciduous	Oakleaf Hydrangea	Large
<i>Lindera Benzoin</i> Deciduous	Spicebush	Large
<i>Styrax Americana</i> Deciduous	American Snowbell	Large
<i>Viburnum Dentatum</i> Deciduous	Arrowwood	Large
<i>Leucothoe Axillaris</i> Deciduous	Leucothoe	Medium
<i>Hydrangea Arborescens</i> Deciduous	Wild Hydrangea	Medium
<i>Itea Virginica</i> Deciduous	Virginia Sweetspire	Medium
<i>Forsythia x Intermedia</i> Deciduous	Forsythia	Med/Large
<i>Rhododendron Catawbiense</i> Deciduous	Catawba Rhododendron	Medium
<i>Rhododendron x Gable</i> Deciduous	Stewartstonian Azalea	Medium
“Stewartstonian”		
<i>Rhododendron “Gibraltar”</i> Deciduous	Gibraltar Azalea	Medium
<i>Rhododendron “Golden Oriole”</i>	Golden Oriole Azalea	Medium

Deciduous

<i>Kalmia Latifolia</i> Deciduous	Mountain Laurels	Medium
--------------------------------------	-------------------------	--------

<i>Hibiscus Syriacus</i> Deciduous	Rose of Sharon	Med/Large
---------------------------------------	-----------------------	-----------

<i>Spiraea Japonica</i> Deciduous	Goldenflame	Small
--------------------------------------	--------------------	-------

<i>Viburnum Dentatum</i> Deciduous	Arrowwood Viburnum	Small
---------------------------------------	---------------------------	-------

<i>Hamamelis x Intermedia</i> Deciduous	Witch Hazel	Large
--	--------------------	-------

<i>Viburnum Prunifolium</i> Deciduous	Korean Spice Viburnum	Small/Medium
--	------------------------------	--------------

<i>Aronia Melanocarpa</i> Deciduous	Viking Black Chokeberry	Medium
--	--------------------------------	--------

<i>Ilex Crenata</i> Deciduous	Sky Pencil Holly	Medium
----------------------------------	-------------------------	--------

<i>Ilex Verticillata</i> Deciduous	Winterberry Holly	Medium
---------------------------------------	--------------------------	--------

<i>Corylus Avellana</i> Deciduous	Harry Lauder's Walking Stick	
--------------------------------------	-------------------------------------	--

<i>Aronia Arbutifolia</i> Deciduous	Red Chokeberry	Medium
--	-----------------------	--------

<i>Amelanchier Stolonifera</i> Deciduous	Running Serviceberry	Small
---	-----------------------------	-------

<i>Calycanthus Occidentalis</i> Deciduous	Spice Bush	Small
--	-------------------	-------

<i>Lex Vomitoria</i> Medium/Large	Yaupon Holly	
--------------------------------------	---------------------	--

Evergreen

Perennials

Common Name

Rose Sensation False Hydrangea Vine

Prairie Glow Black Eyed Susan

Forever Pink Phlox

Josephine Clematis Vine

Pillow Talk Sedum

Border Music Reblooming Daylily

Allium Millenium

Mariachi Sombrero Helenium

Allium Summer Beauty

Gracillimus Miscanthus Grass

All Gold Japanese Forest Grass

Vera English Lavender

Balmy Beebop Bee Balm

Tuff Stuff Red Reblooming Hydrangea

Sapphire Blue Oat Grass

Black Sea Coral Bells

Green Twister Echinacea

Invicibelle Wee White Hydrangea

Snowflake Creeping Phlox

Lavance Deep Purple English Lavender

Big Blue Liriope Grass

Hot Lips Sage

Goldfinch Shasta Daisy

Pumila Dwarf Pampas Grass

Arizona Apricot Gaillardia

Luna Rose Hibiscus

Home Fires Creeping Phlox

EverColor Everillo Sedge Grass

Showtime Ruffles Helleborus

Little Goldstar Black Eyed Susan

Junior Walker Nepeta

Harvest Moon Sedum

Champagne Coral Bells

Giles Van Hees Veronica

Let's Dance Rave Reblooming Hydrangea

Amazing Grace Creeping Phlox

Pastor's Pride English Lavender

Bronze Beauty Ajuga

Tiny Tuff Stuff Reblooming Hydrangea

Black Mondo Grass

Rainbow Marcella Echinacea

Korean Feather Reed Grass

Wedding Party Helleborus Mix

Double Scoop Orangeberry Echinacea

Mary Reed Daylily

PowWow White Echinacea

Blue Moon Woodland Phlox

Blue Paradise Phlox

Monch Frikart's Aster

Silvery Sunproof Liriope Grass

Emerald Pink creeping Phlox

Aureola Japanese Forest Grass

Matrona Desum

Mayflower

Raspberry Ruffles Daylily

Siloam Double Classic Daylily

Stella'd Oro Daylily

Little Blue Stem Grass

Dwarf fountain Grass

Purple Coneflower

Goldstem Blackeyed Susan

Variegated Liriope

Native Perennials:

Common Name

Butterfly Weed

Dense Blazing Star

Wild Bergamot

Rose Mallow

Swamp Coneflower

Swamp Milkweed

Gray Headed Coneflower

Purple Coneflower

Rattlesnake Master

Soft Rush

Carex Spp.

Native Grasses:

Common Name

Little Bluestem

Indian Grass

Switch Grass

Prairie Dropseed

Gulf Muhly Grass

Blue Lovegrass

Sand Lovegrass

Sec 117-??? Tree preservation removal permit

Any person proposing to engage in clearing, filling, cutting, quarrying, construction, or similar activities that would result in a disturbed area of one acre or larger shall apply to the Planning Department for a tree removal permit as specified in this article. A site development plan shall be submitted to the City before removal of more than seven significant trees from a site within a twelve (12) month period without first obtaining a permit. The City official may exempt the need for the permit on a limited case-by-case basis. No land shall be cleared to the extent regulated in this article, unless approved by a permit.

If more than seven significant trees are to be removed by the owner/developer he or she must submit a tree protection or replacement plan to the Planning and Zoning Department. This plan must show all significant trees on site. This list shall include size and species of the trees. The plan shall show all roads, utilities, building footprints, driveways, and areas to be disturbed. If significant trees are in the disturbed area they are to be replaced at a rate of one to five (one tree to be planted for every five trees removed). If the drip line of the significant tree is adjacent to a construction area, measures must be made to protect the tree with fencing and other protective measures.

If a significant tree is removed from a nonconstruction area it must be replaced at a replacement rate of five to one.

Replacement trees shall be replanted with trees that meet the following specifications:

- (1) Deciduous: At least two and a half inches in diameter and at least eight feet in height above natural grade;
- (2) Evergreen: At least ten feet in height above natural grade; and
- (3) Ornamental: At least two and a half inches in diameter and at least eight feet in height above natural grade.

A tree is significant, if it is a tree and it is:

- (a) At least eighteen inches in diameter at the height of four and a half feet above natural grade;
 - (b) Growing with multiple stems and at least one of the stems measured at a point six inches from the point where the stems digress from the main trunk is at least six inches in diameter;
 - (c) An ornamental tree with a diameter in excess of three inches at the height eight inches above natural grade;
- or
- (d) Planted to meet the requirements of the current landscape ordinance.

A tree is not significant if it is less than eighteen (18) inches in diameter at four and a half feet above natural grade, unhealthy, or dead, or those included on the following list, regardless of size:

- (a) Black locust (*Robinia Pseudacacia*);
 - (b) Cottonwood (*Populus Trichocarpa*);
- and
- (c) Bradford pear (*Pyrus Calleryana* "Bradford");

Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Planning and Zoning Department. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple project sites, the Planning and Zoning Department may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances. The tree protection barrier must be placed at the outside edge of the drip line of the existing trees.

Fees

A fee for each tree removal permit shall be paid to the City as currently established or as hereafter adopted by resolution of the City Council.

Fines

Any person or persons who violates the provisions of this ordinance shall be fined a minimum of two hundred and fifty (\$250) dollars per day and up to a maximum of five hundred (\$500) dollars per day with each day being a separate offence.

Sec. 117-326. Landscaping and Screening

This section sets out the minimum landscaping and screening and tree preservation requirements for new development in the city as follows:

1. Applicability exemptions. The following shall be exempt from the standards of this section:
 - a. Residential. The AG, RR, R-O, RS-1 – RS-8, R-1, R-1A, and RU-I districts shall be exempt from all standards of this section.
 - b. Existing development. Improvements or repairs to existing development that do not result in an increase in floor area, or changes in use that do not result in an increase in floor area and do not result in an increase in intensity, shall also be exempt from all the standards of this section.
2. General Landscaping requirements. All new development and redevelopment must provide a landscape plan meeting the requirements below.
3. A percentage of the total land area currently under development will be devoted to landscaping.
 - a. If the total current development area is two acres or more, the developer must provide either a minimum of 20 percent green space with at least one new tree or shrub meeting the plant criteria herein for each 2,000 square feet of the total development area; or, a minimum of 15 percent green space with one tree or shrub for every 1,000 square feet of total development area. If the developer opts to use the 15 percent green space option, tree size must be increase from two and one-half inch ball and burlap to four-inch ball and burlap.
 - b. If the development is less than two acres, at least one new tree or shrub meeting the plant criteria herein must be provided for each 1,000 square feet of the total land area for developments up to two acres.
4. Criteria for plant materials:
 - a. A minimum of 25% of the plant materials required under this code shall consist of trees of which 40% shall be native species.
 - b. Parking lots containing ten (10) or more spaces shall be landscaped in the following manner:

1. Narrow tree lawn. A continuous landscape strip between rows of parking. The minimum width of a tree lawn shall be ten feet (10') and a minimum length of eighteen feet (18'), or an area of not less than three hundred twenty-four square feet (324 sf). If the parking area is a double bay parking area, the tree island shall be a minimum width of eighteen feet (18') and a minimum length of thirty-six feet (36'), or an area of not less than six hundred forty-eight square feet (648 sf). One tree shall be planted for every 15 parking spaces with this option, with the maximum run of 15 parking spaces permitted without a tree island.

Interior trees shall be placed on either side of points of access (entrance drives, exit drives) within tree islands. In addition, all street trees must be spaced at a minimum of forty feet (40'). All tree planted to meet these requirements shall be deciduous shade trees.

- c. New plants may be selected from the recommended plants list provided by the Planning and Zoning Department. Plants should be selected for hardiness in local zones. Plants should be arranged to facilitate growth and avoid damage by development. The following trees shall not be used in a landscape plan:
 - 1. Black locust (Robinia Pseudoacacia)
 - 2. Cottonwood (Populus Trichocarpa)
 - 3. Bradford pear (Pyrus Calleryana "Bradford")
 - 4. Southern live oak (Quercus Virginiana)
 - 5. Mimosa (Albizia Julibrissin)
 - 6. Privet (Ligustrum Sinese)

- d. Deciduous ornamental trees must be balled and burlapped, have at least two and one-half inch caliper, and be at least eight (8) feet tall. Deciduous shade trees must be balled and burlapped, have at least two and one-half inch caliper by at least eight (8) feet tall. Evergreen trees

must be balled and burlapped and be at least ten (10) feet in height above natural grade.

No more than 25% of the total number of trees may be ornamental trees, and at least 10% of the trees shall be evergreen. Shrubs are to be five-gallon size, minimum.

- e. Perennials from the recommended plants list qualify as a plant selection to meet minimum requirements in the ratio of 20:1. Twenty perennials, six inch pot size, equal one shrub. Perennials qualify as plant selections to a maximum of 15% of the required number of plants.
- f. Credit to the plant requirement will be considered for existing trees, provided: they are of a desirable type, are healthy specimens, they contribute to the compatibility of the development, and they are not threatened by the construction or placement of the proposed development. Existing trees may not have a change in grade under the tree canopy greater than +_4. In addition, the health of existing trees must be certified by a licensed arborist. Qualification or placement of the proposed plant material must be verified with the Planning and Zoning Department.

5. Landscape buffer zones, screening fences, or walls will be required where nonresidential zones abut residential zones. Landscape buffer zones, screening fences, or screening walls may also be required where multi-family zones abut low-density residential zones. The width of the required buffer shall be verified with the Planning and Zoning Department. If plants are to be used for screening, they must be evergreen and planted to provide a solid screen within three (3) years.

6. Installation, maintenance, and replacement

- a. Installation. All landscaping shall be installed according to sound nursery practices and in a manner designed to encourage vigorous growth. All landscape material, both living and nonliving, shall be in place prior to issuance of a certificate of occupancy or a bond or letter of credit for the full amount of the landscaping.
- b. Maintenance and replacement. Trees, shrubs, fences, walls and other landscape features, which includes screening 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. The landowner, or successors in interest, or agent, if any, shall be jointly and severally responsible for the following:

1. Regular maintenance of all landscaping, must be kept 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. 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., fences and walls, to a structurally sound condition;
3. The regular maintenance, repair, or replacement, where necessary, or any landscaping required by the section; and
4. Continuous maintenance of the site.

Recommended Plant List

Large Shrubs/small trees appropriate under power lines.

Scientific Name	Common Name	Landscape Size: height x width	Remarks
<i>Acer Buergerianum</i>	Trident Maple	25' x 20'	Fall color variable and rare
<i>Acer Ginnala</i>	Amur Maple	18' x 15'	Flame fall color
<i>Acer Griseum</i>	Paperbark Maple	20' x 10'	Exceptional bark; partial sun
<i>Acer Palmatum</i> 'Bloodgood'/'T Rompenburg'	Japanese Maple	variable	
<i>Acer Tataricum</i>	Tatarian Maple	20' x 20'	Variable fall color
<i>Acer Truncatum</i> (<i>'Fire Dragon'</i>)	Shantung Maple	20' x 20'	Yellow/orange fall color
<i>Amelanchier Stolonifera</i>	Running Serviceberry	5' x 5'	

<i>Carpinus Caroliniana</i>	American Hornbeam	25' x 25'	Variable fall color (orange/red)
<i>Cercis Canadensis</i>	Eastern Redbud	20' x 20'	No fall color; showy March/early April
<i>Chionanthus Retusus</i>	Chinese Fringetree	20' x 24'	No fall color; flws. late April
<i>Chionanthus Virginicus</i>	White Fringetree	20' x 20'	No fall color; flws. late April
<i>Cornus Kousa</i>	Kousa Dogwood	25' x 25'	
<i>Cornus Florida</i>	Florida Dogwood	20' x 25'	Excpt flowers; avoid full sun
<i>Cotinus Coggygria</i>	Smoketree	12' x 12'	Intense purple foliage
<i>Hamamelis Vernalis</i>	Vernal Witchhazel	10' x 15'	
<i>Koelreuteria Pediculate</i>	Goldenraintree	25' x 25'	Attractive, flws, summer
<i>Lagerstroemia sp.</i>	Crapemyrtle	8' to 40' tall	Summer flowers
<i>Maclura Pomifera</i>	Osage-orange	25' x 28'	No fall color, large fruit
<i>Magnolia Stellate</i>	Star Magnolia	15' x 15'	Attractive white flws. March;
<i>Magnolia Kobus</i>	Kobus Magnolia	30' x 30'	
<i>Hybrids ('Jane', 'Ricki', 'Susan')</i>		15' x 15'	
<i>Magnolia x Soulangeana</i>	Saucer Magnolia	25' x 25'	White/pink saucer flws
<i>Magnolia Virginia</i>	Sweetbay Magnolia	18' x 12'	Semi-evergreen
<i>Malus sp.</i>	Crabapple	6 to 20' tall	Attractive white flws, March
<i>Morus Alba "Pendula"</i>	Weeping White Mulberry	15' x 15'	Specimen; weeping habit
<i>Prunus Serrulata "Kwanzan"</i>	Yoshino cherry	20' x 25'	Crown shaped like a martini
<i>Rhus aromatic</i>	Fragrant Sumac	8' x 8'	
<i>Rhus Glabra/R. Copalina</i>	Smooth Sumac/	18' x 18'	Red Fall color; suckering habit
	Flameleaf Sumac		

Focal Trees (not to be used as a substitute for street trees)

<i>Amelanchier Arborea</i>	Downy Serviceberry	30' x 30'
<i>Carpinus Caroliniana</i>	American Hornbeam	30' x 25'
<i>Hamamelis Virginiana</i>	Common Witchhazel	20' x 20'
<i>Lagerstroemia Indica</i>	Crape Myrtle	30' x 20'

Trees appropriate in urban settings as street trees.

Scientific Name	Common Name	Landscape Size: H x W	Remarks
<i>Acer Rubrum</i>	Red Maple	65' x 60'	Red fall color
<i>Carpinus Betulus "Fastigiata"</i>	European Hornbeam	25' x 15'	Yellowish fall color
<i>Carpinus Caroliniana</i>	American Hornbeam	30' x 25'	
<i>Ginkgo Biloba (male)</i>	Ginkgo	70' x 55'	Butter yellow fall color
<i>Gleditsia Triacanthos</i>	Thornless Honeylocust	45' x 45'	Small leaf litter
<i>Gymnocladus Dioicus (male)</i>	Kentucky Coffeetree	60' x 60'	
<i>Liquidambar Styraciflua</i>	Sweetgum	55' x 35'	Fruitless only
<i>Ostrya Virginiana</i>	American Hophornbeam	40' x 25'	
<i>Pistacia Chinensis</i>	Chinese Pistache	25' x 25'	Fall color variable
<i>Taxodium Distichum</i>	Baldcypress	60' x 35'	
<i>Tilia Cordata "Greenspire"</i>	Littleleaf Linden	45' x 30'	
<i>Ulmus Americana</i>	American Elm	65' x 50'	DED resistant variety
<i>Ulmus Parvifolia</i>	Chinese/Lacebark Elm	40' x 35'	
<i>Zelkova Serrata</i>	Zelkova	35' x 35'	Vase Shaped

Narrow or columnar trees.

Scientific Name	Common Name	Landscape Height x width	Remarks
<i>Acer Sacchuram "Reba"</i>	Belle Tower Sugar Maple	35' x 10'	
<i>Carpinus Betulus "Fastigiata"</i>	European Hornbeam	25' x 15'	
<i>Ginkgo Biloba</i>	Ginkgo	55' x 15'	
<i>Liquidambar Styraciflua</i>	Sweetgum	65' x 35'	Bears fruit
<i>Quercus Robur</i>	English Oak	50' x 50"	
<i>Quercus X Crimson Spire</i>	Oak	45' x 15'	
<i>Taxodium Ascendens</i>	Pondcypress	45' x 15'	
<i>Zeldova Serrata</i>	Zelkova	75' x 55'	

Shade or lawn trees.

Scientific Name	Common Name	Landscape	Remarks
		Height x width	
<i>Acer Rubrum</i>	Red Maple	65' x 60'	Red fall color
<i>Acer Saccharum</i>	Sugar Maple	65' x 60'	Flame fall color
<i>Acer X Freemanii</i>	Freeman Maple	60' x 50'	Very fast growing
<i>Gymnocladus Dioicus male</i>	Kentucky Cofftree	60' x 60'	
<i>Liquidambar Styraciflua</i>	Sweetgum	55' x 45'	Fruitless varieties only
<i>Liriodendron Tulipifera</i>	Tuliptree	80' x 50'	Soft yellow fall color
<i>Magnolia Grandiflora</i>	Southern Magnolia	75' x 65'	
<i>Metasequoia Glyptostroboides</i>	Dawn Redwood	55' x 30'	Cooper brown fall color
<i>Nyssa Sylvatica</i>	Black Tupelo	50' x 50'	True Red fall color
<i>Quercus Alba</i>	White Oak	75' x 65'	Maroon fall color
<i>Quercus Michauxii</i>	Swamp Oak	70' x 70'	Fall color not significant
<i>Quercus Coccinea</i>	Scarlet Oak	70' x 70'	Maroon fall color
<i>Quercus Falcate</i>	S. Red Oak	75' x 75'	Fall color not significant
<i>Quercus Imbricaria</i>	Shingle Oak	60' x 60'	Yellow-brown fall color
<i>Quercus Muehlenbergii</i>	Chinkapin Oak	50' x 50'	Fall color not significant
<i>Quercus Nigra</i>	Water Oak	75' x 75'	No fall color
<i>Quercus Palustris</i>	Pin Oak	65' x 50'	Maroon fall color
<i>Quercus Phellos</i>	Willow Oak	60' x 40'	Muted orange fall color
<i>Quercus Rubra</i>	N. Red Oak	70' x 70'	Maroon fall color
<i>Quercus Shumardii</i>	Shumard Oak	70' x 70'	Orange red fall color
<i>Taxodium Distichum</i>	Bald Cypress	60' x 35'	Cooper brown fall color
<i>Tilia Cordata</i>	Littleleaf Linden	45' x 30'	Fragrant flowers in June
<i>Ulmus Americana</i>	American Elm	70' x 55'	Select DED resistant variety
<i>Ulmus Parvifolia</i>	Chinese/Lacebark Elm	40' x 30'	
<i>Zelkova Serrata</i>	Zelkova	35' x 35'	Vase shaped

Shrubs

Scientific Name	Common Name	Size	Remarks
<i>Ilex Glabra</i>	Inkberry	Large	Evergreen
<i>Aesculus Parviflora</i>	Bottlebrush Buckeye	Large	Deciduous
<i>Euonymus Americanus</i>	Strawberrybush	Large	Deciduous
<i>Fothergilla Major</i>	Fothergilla	Large	Deciduous
<i>Hydrangea Quercifolia</i>	Oakleaf Hydrangea	Large	Deciduous
<i>Lindera Benzoin</i>	Spicebush	Large	Deciduous
<i>Styrax Americana</i>	American Snowbell	Large	Deciduous
<i>Viburnum Dentatum</i>	Arrowwood	Large	Deciduous
<i>Leucothoe Axillaris</i>	Leucothoe	Medium	Deciduous
<i>Hydrangea Arborescens</i>	Wild Hydrangea	Medium	Deciduous
<i>Itea Virginica</i>	Virginia Sweetspire	Medium	Deciduous
<i>Forsythia x Intermedia</i>	Forsythia	Med/Large	Deciduous
<i>Rhododendron Catawbiense</i>	Catawba Rhododendron	Med	Deciduous
<i>Rhododendron x Gable</i> "Stewartstonian"	Stewartstonian Azalea	Medium	Deciduous
<i>Rhododendron "Gibraltar"</i>	Gibraltar Azalea	Medium	Deciduous
<i>Rhododendron "Golden Oriole"</i>	Golden Oriole Azalea	Medium	Deciduous
<i>Kalmia Latifolia</i>	Mountain Laurels	Medium	Deciduous
<i>Hibiscus Syriacus</i>	Rose of Sharon	Med/Large	Deciduous
<i>Spiraea Japonica</i>	Goldenflame	Small	Deciduous
<i>Viburnum Dentatum</i>	Arrowwood Viburnum	Small	Deciduous
<i>Hamamelis x Intermedia</i>	Witch Hazel	Large	Deciduous
<i>Viburnum Prunifolium</i>	Korean Spice Viburnum	Small/Medium	Deciduous
<i>Aronia Melanocarpa</i>	Viking Black Chokeberry	Medium	Deciduous
<i>Ilex Crenata</i>	Sky Pencil Holly	Medium	Deciduous
<i>Ilex Verticillata</i>	Winterberry Holly	Medium	Deciduous
<i>Corylus Avellana</i>	Harry Lauder's Walking Stick		Deciduous
<i>Aronia Arbutifolia</i>	Red Chokeberry	Medium	Deciduous

<i>Amelanchier Stolonifera</i>	Running Serviceberry	Small	Deciduous
<i>Calycanthus Occidentalis</i>	Spice Bush	Small	Deciduous
<i>Lex Vomitoria</i>	Yaupon Holly	Medium/Large	Evergreen

Perennials

Common Name

Rose Sensation False Hydrangea Vine

Prairie Glow Black Eyed Susan

Forever Pink Phlox

Josephine Clematis Vine

Pillow Talk Sedum

Border Music Reblooming Daylily

Allium Millenium

Mariachi Sombrero Helenium

Allium Summer Beauty

Gracillimus Miscanthus Grass

All Gold Japanese Forest Grass

Vera English Lavender

Balmy Beebop Bee Balm

Tuff Stuff Red Reblooming Hydrangea

Sapphire Blue Oat Grass

Black Sea Coral Bells

Green Twister Echinacea

Invicibelle Wee White Hydrangea

Snowflake Creeping Phlox

Lavance Deep Purple English Lavender

Big Blue Liriope Grass

Hot Lips Sage

Goldfinch Shasta Daisy

Pumila Dwarf Pampas Grass

Arizona Apricot Gaillardia
Luna Rose Hibiscus
Home Fires Creeping Phlox
EverColor Everillo Sedge Grass
Showtime Ruffles Helleborus
Little Goldstar Black Eyed Susan
Junior Walker Nepeta
Harvest Moon Sedum
Champagne Coral Bells
Giles Van Hees Veronica
Let's Dance Rave Reblooming Hydrangea
Amazing Grace Creeping Phlox
Pastor's Pride English Lavender
Bronze Beauty Ajuga
Tiny Tuff Stuff Reblooming Hydrangea
Black Mondo Grass
Rainbow Marcella Echinacea
Korean Feather Reed Grass
Wedding Party Helleborus Mix
Double Scoop Orangeberry Echinacea
Mary Reed Daylily
PowWow White Echinacea
Blue Moon Woodland Phlox
Blue Paradise Phlox
Monch Frikart's Aster
Silvery Sunproof Liriope Grass
Emerald Pink creeping Phlox
Aureola Japanese Forest Grass
Matrona Desum

Mayflower

Raspberry Ruffles Daylily

Siloam Double Classic Daylily

Stella'd Oro Daylily

Little Blue Stem Grass

Dwarf fountain Grass

Purple Coneflower

Goldstem Blackeyed Susan

Variegated Liriope

Native Perennials:

Common Name

Butterfly Weed

Dense Blazing Star

Wild Bergamot

Rose Mallow

Swamp Coneflower

Swamp Milkweed

Gray Headed Coneflower

Purple Coneflower

Rattlesnake Master

Soft Rush

Carex Spp.

Native Grasses:

Common Name

Little Bluestem

Indian Grass

Switch Grass

Prairie Dropseed

Gulf Muhly Grass

Blue Lovegrass

Sand Lovegrass

Sec 117-??? Tree preservation removal permit

Any person proposing to engage in clearing, filling, cutting, quarrying, construction, or similar activities that would result in a disturbed area of one acre or larger shall apply to the Planning Department for a tree removal permit as specified in this article. A site development plan shall be submitted to the City before removal of more than seven significant trees from a site within a twelve (12) month period without first obtaining a permit. The City official may exempt the need for the permit on a limited case-by-case basis. No land shall be cleared to the extent regulated in this article, unless approved by a permit.

If more than seven significant trees are to be removed by the owner/developer he or she must submit a tree protection or replacement plan to the Planning and Zoning Department. This plan must show all significant trees on site. This list shall include size and species of the trees. The plan shall show all roads, utilities, building footprints, driveways, and areas to be disturbed. If significant trees are in the disturbed area they are to be replaced at a rate of one to five (one tree to be planted for every five trees removed). If the drip line of the significant tree is adjacent to a construction area, measures must be made to protect the tree with fencing and other protective measures.

If a significant tree is removed from a nonconstruction area it must be replaced at a replacement rate of five to one.

Replacement trees shall be replanted with trees that meet the following specifications:

- (1) Deciduous: At least two and a half inches in diameter and at least eight feet in height above natural grade;
- (2) Evergreen: At least ten feet in height above natural grade; and
- (3) Ornamental: At least two and a half inches in diameter and at least eight feet in height above natural grade.

A tree is significant, if it is a tree and it is:

- (a) At least eighteen inches in diameter at the height of four and a half feet above natural grade;
- (b) Growing with multiple stems and at least one of the stems measured at a point six inches from the point where the stems digress from the main trunk is at least six inches in diameter;
- (c) An ornamental tree with a diameter in excess of three inches at the height eight inches above natural grade; or
- (d) Planted to meet the requirements of the current landscape ordinance.

A tree is not significant if it is less than eighteen (18) inches in diameter at four and a half feet above natural grade, unhealthy, or dead, or those included on the following list, regardless of size:

- (a) Black locust (*Robinia Pseudacacia*);
- (b) Cottonwood (*Populus Trichocarpa*);
- and
- (c) Bradford pear (*Pyrus Calleryana* "Bradford");

Groups of trees and individual trees that are not to be removed and required undisturbed buffer areas shall be protected during construction by protective fencing and shall not be used for material storage or for any other purpose. Tree protection barriers shall be a minimum of four feet high, constructed of chain link, or polyethylene laminar safety fencing or similar material, subject to approval by the Planning and Zoning Department. "Tree Protection Area" signs shall be posted visibly on all sides of the fenced areas. On large or multiple project sites, the Planning and Zoning Department may also require that signs requesting subcontractor cooperation and compliance with tree protection standards be posted at site entrances. The tree protection barrier must be placed at the outside edge of the drip line of the existing trees.

Fees

A fee for each tree removal permit shall be paid to the City as currently established or as hereafter adopted by resolution of the City Council.

Fines

Any person or persons who violates the provisions of this ordinance shall be fined a minimum of two hundred and fifty (\$250) dollars per day and up to a maximum of five hundred (\$500) dollars per day with each day being a separate offence.