

City of Waukesha, Wisconsin

Ordinance No. ____-19

**An Ordinance Amending Section 22.18 of the Waukesha Municipal Code,
Regarding Landscaping Requirements for New Developments**

The Common Council of the City of Waukesha do ordain as follows:

Section 1. Section 22.18 of the Waukesha Municipal Code is amended to read in its entirety as follows:

22.18 Landscaping, New Developments

- (1) **New Developments Not Subject to Municipal Code §22.15.** New developments that are not required by Municipal Code §22.15 to undergo site and architectural plan review by the Plan Commission must comply with the following landscaping requirements:
- (a) **Required Plantings.**
 - (i) **Single-Family Developments.** Single-family residential developments shall provide seeded or sodded lawns for each lot unless the lawns are registered as Natural Lawns pursuant to Municipal Code §17.04(4)(d)2.
 - (ii) **Two-Family Developments.** Two-family residential developments shall provide seeded or sodded lawns for each lot unless the lawns are registered as Natural Lawns pursuant to Municipal Code §17.04(4)(d)2, and at least two trees each in the street yard and the rear yard.
 - (b) **Completion before Occupancy.** Landscaping shall be completed before occupancy is allowed, unless the Chief Building Inspector in his or her sole discretion grants temporary occupancy, in writing, after a showing by the applicant of good cause why landscaping cannot be completed before occupancy. The Chief Building Inspector may impose conditions on the temporary occupancy to encourage prompt completion of landscaping.
 - (c) **Letter of Credit to Secure Completion.** A standby letter of credit in favor of the City in the amount of 120% of the estimated cost of labor and materials needed to complete the landscaping shall be furnished to the City, conditioned on the completion of landscaping as required by this section. The letter of credit shall be in a form acceptable to the City, and shall be furnished before any building permit is issued. The letter of credit must be maintained in full force and effect until all landscaping required by this section is complete.

- (d) **Maintenance.** All plant materials shall be tended and maintained in a healthy growing condition. Plantings shall be kept free from refuse and debris.
- (2) **New Developments Subject to Municipal Code §22.15.** All new developments that are required by Municipal Code §22.15 to undergo site and architectural plan review by the Plan Commission must include a landscape plan that complies with this section with the materials submitted for the site and architectural plan review, and approval of the landscape plans by the Plan Commission shall be required before building permits may be issued for the development.
 - (a) **Format of Landscape Plans.** Landscaping plans submitted pursuant to this subsection (2) shall:
 - (i) Be drawn to scale.
 - (ii) Include:
 - (A) The address or tax key number of the property.
 - (B) The name and address of the preparer.
 - (C) The name of the development, if any.
 - (D) The date of the plans and any revisions.
 - (E) A scale, a north arrow, and a legend explaining symbols used in the plan.
 - (iii) Show the location and size of all existing deciduous trees 5 inches or larger in diameter at 4½ feet above grade; all existing coniferous trees 10 feet or greater in height, and the boundaries of any existing woodlots.
 - (iv) Identify all trees to be relocated or removed.
 - (v) Show the locations of all proposed plantings.
 - (vi) Include a table showing quantities of plant materials, size and caliper of plant materials, root specifications, and special planting instructions.
 - (vii) Show typical sections and details of fences, planting boxes, retaining walls, tot lots, picnic areas, berms, landscape islands, planting beds, foundation plantings, and other landscape improvements, identifying materials to be used.
 - (viii) Delineate sodded, seeded, and wooded areas, indicating square footage of each, materials to be used, and seed mixtures.
 - (ix) Include a cross-section of landscaping or structures used to provide screening or buffers from adjacent properties or public rights-of-way, illustrating the screened or buffered view.
 - (b) **Modification and Approval by Plan Commission.** The Plan Commission may require modification of any landscape plan as a condition of its approval of the plan.

The Plan Commission shall, at a minimum, observe the following factors in the exercise of its discretion:

- (i) Compliance with the requirements of this section.
 - (ii) The landscape plan's coordination with, and integration into, the development's grading, drainage, buffer, screening, lighting, site, parking, and signage plans.
 - (iii) Interference with vehicles, driver vision, street and highway signs, pedestrian ways, and other public safety and convenience considerations.
 - (iv) The appropriateness of the landscape plan to the development's overall character and the character of the surrounding area, in variety, quantity, and quality.
 - (v) The effectiveness of the landscape screening of trash enclosures and at-grade mechanical equipment.
 - (vi) The potential for interference with utilities, solar or wind generation facilities, antennas, or neighbor's light and air requirements, both as-installed and after the plantings have reached mature size.
 - (vii) The inclusion of disease-prone species or cultivars, or invasive species.
- (c) **Landscaping Standards.** All landscaping done pursuant to this subsection (2) shall meet the following standards:
- (i) Landscaping required for buffering or screening shall comply with Municipal Code §22.14(3) and §17.09(1)(j)(ii), as applicable.
 - (ii) Deciduous trees shall be a minimum size of 2½ inches in diameter at 4½ feet above grade.
 - (iii) Coniferous trees shall be a minimum of 6 feet in height.
 - (iv) Shrubs shall be a minimum of 18 inches in height or spread.
 - (v) Ornamental trees shall be a minimum size of 1½ inches in diameter at 4½ feet above grade.
 - (vi) All deciduous and coniferous trees shall be delivered balled and burlapped, staked and guyed, and generally installed in accordance with the American Standard for Nursery Stock (ANSI Z60.1). Trees may also be transplanted with use of a tree spade. All shrubs shall be delivered balled and burlapped or potted.
 - (vii) All open areas not occupied by buildings, parking, or storage shall be sodded, or seeded with grass and protected from soil erosion; and undisturbed areas containing existing natural vegetation shall be maintained and kept free of debris and noxious weeds.

- (viii) Slopes and berms steeper than 1:3 are not permitted without special treatment such as terracing or retaining walls approved by the Plan Commission.
- (ix) All planting beds shall be provided with weed barriers, a permanent edge or curbing, and be mulched.
- (x) Trees shall be located taking into account their mature size.
- (d) **Completion before Occupancy.** Landscaping shall be completed before occupancy is allowed, unless the Chief Building Inspector in his or her sole discretion grants temporary occupancy, in writing, after a showing by the applicant of good cause why landscaping cannot not be completed before occupancy. The Chief Building Inspector may impose conditions on the temporary occupancy to encourage prompt completion of landscaping.
- (e) **Letter of Credit to Secure Completion.** A standby letter of credit in favor of the City in the amount of 120% of the estimated cost of labor and materials needed to complete the landscaping shall be furnished to the City, conditioned on the completion of landscaping as required by this section. The letter of credit shall be in a form acceptable to the City, and shall be furnished before any building permit is issued. The letter of credit must be maintained in full force and effect until all landscaping required by this section is complete.
- (f) **Maintenance.** All plant materials shall be tended and maintained in a healthy growing condition. Plantings shall be replaced when necessary and kept free from refuse and debris. All planting material which is dying or damaged beyond recovery shall be replaced within 6 months or by the next planting season, whichever comes first.
- (g) **Private Landscaping on City Property Prohibited.** No private landscaping shall be permitted within City rights-of-way or utility or drainage easements except by written permission of the City Engineer.

Section 2. This Ordinance shall be effective the day after its publication.

Passed the _____ day of _____, 2019.

Shawn N. Reilly, Mayor

Attest: Gina L. Kozlik, City Clerk