

**CITY OF KAUKAUNA
ORDINANCE 1875-2022**

ORDINANCE CREATING SECTION 17.52 LANDSCAPING REQUIREMENTS

WHEREAS, the City of Kaukauna's Zoning Code does not have a specific landscaping section of the code; and

WHEREAS, in order to prevent confusion for developers, an ordinance specific to the City of Kaukauna's landscaping requirements will aid in drafting site plans; and

WHEREAS, a landscaping ordinance will create a better environment for the City of Kaukauna and add an element of beauty to new developments;

NOW THEREFORE, be it ordained by the Common Council of the City of Kaukauna, in the State of Wisconsin, as follows:

SECTION 1: **ADOPTION** “17.52 Landscaping Requirements” of the City of Kaukauna Municipal Code is hereby *added* as follows:

BEFORE ADOPTION

17.52 Landscaping Requirements (Non-existent)

AFTER ADOPTION

17.52 Landscaping Requirements(*Added*)

1. Intent. This section is intended to establish landscaping requirements that promote compatible development; stabilized property values; foster the attractiveness and functional utility of the community as a place to live and work; preserve the character and quality of the built and natural environment by maintaining the integrity of those areas which have a discernible character; protect certain public and private investments in the area; and raise the level of community expectations for the quality of its environment.

a. The following definitions shall apply to this section:

(1) Shrub: a woody perennial plant which produces several basal shoots at or near the ground.

(2) Tree: a tall woody perennial plant with a single trunk or stem at or near the base.

2. Landscape Plan Requirements.

a. Landscape Plan Submittals. A landscape plan (to scale) must be submitted. It shall include details of all proposed landscaping.

buffering, and screening, including the estimated costs. The landscape plan shall show the location and dimensions of all existing and proposed structures, parking, drives, rights-of-way, and any other permanent features, and the following landscape information:

- (1) A plant list and a coverage chart showing the location, quantity, size (at time of planting), spacing, and common names of all landscape materials used.
- b. Applicability. No structure and no building shall be erected, constructed, reconstructed, moved, enlarged, or more than 50 percent of façade is altered until a landscape plan is approved by the Director of Community Development, or designee.
- c. Application. Landscaping is required in Commercial, Industrial, Institutional and Multi-family Uses. The area or length of each, as required in this Ordinance, shall be measured to determine the amount of landscaping required.

(1) In any case where plantings are placed within an easement, an Application shall be required and submitted to the Community Development Department for review and approval.

3. Landscaping Maintenance.

- a. All landscaping shall be maintained and in good order. Dead plantings shall be removed and replaced within 30 days. In cases where plantings can't be established in 30 days, an appropriate timeline shall be approved by the Community Development department designee.

4. Commercial, Institutional and Multifamily Use Landscaping.

- a. At least one canopy tree, not less than 1.5-inch caliper shall be provided for every 75 linear feet within the front yard setback adjacent to the street. Points of ingress and egress shall not be included in this calculation.
- b. For every five (5) linear feet of building street frontage one (1) shrub shall be placed on the site. Every five (5) square feet of landscaped area that includes decorative grasses and/or flowers can be substituted for one (1) shrub.

5. Industrial Use Landscaping.

- a. At least one canopy tree, not less than 1.5-inch caliper shall be provided for every 100 linear feet of street frontage. 50 percent of the trees must be planted within the front yard setback adjacent to the street. Point of ingress and egress shall not be included in this calculation.

6. Commercial Core District Landscaping.

- a. At least 1 planting shall be provided for every 75 linear feet within the front yard setback adjacent to the street. Planting can be any of the following:

- (1) Trees, shrubs, five square feet of landscaped area that includes decorative grasses or flowers, or decorative planter approved by the Community Development department designee.
- (2) A minimum of two plantings shall be provided per site regardless of linear frontage.
- (3) Plantings adjacent to the site within public right of way, maintained by the building owner or designee, may count towards the requirement of this section, upon approval by the Planning and Public Works Department.

7. Mechanical Equipment and Dumpster Screening.

- a. No dumpster or ground mounted mechanical equipment shall not be in the front yard setback.
- b. All dumpsters shall be 100% screened on three sides with a fence, vegetation, or combination of the two; the fourth side being a gated entrance.
- c. All effort shall be made to screen private ground mounted mechanical equipment from public right of ways. This excludes public utilities.
- d. An eight-foot (8') clearance must be maintained in front of all public utilities.

8. ELandscaped buffer. The use of properly planted and maintained buffer areas may reduce and ease potential incompatibility between and among different uses of land in proximity to each other. All commercial, institutional, industrial, and multi-family uses, adjacent to single or two-family residential uses, shall include a buffer yard on all sides that immediately abutt the single or two-family residential use.

- a. Landscape Buffer Requirements. Where these regulations require a landscaped buffer area, the following requirements shall be met:
 - (1) The landscaped buffer area shall not be less than eight feet in width measured at right angles to property lines and shall be established along the entire length of and contiguous to the designated property line.
 - (2) The area shall be so designed, planted, and maintained as to be 75 percent or more opaque between two feet and six feet above average ground level when viewed horizontally.
 - (3) Types and numbers of plantings for landscaped buffers shall be submitted with application for a building permit or special exception, along with plans and statements demonstrating how the buffer will be maintained in the future.
 - (4) Plantings shall be of a size and type which will ensure the meeting of the 75 percent opacity requirement within no longer than 12 months of the date of the first planting.

Failure to maintain the landscaped buffer area as set out (5) above shall be a violation of this chapter.

- b. *Substitution for landscaped buffer area.* Except when otherwise specifically provided by this chapter, a six feet high opaque structure set in a six feet wide landscaped buffer area may be substituted for the six feet high planted buffer above. If such opaque structure is of nonliving material, for each ten feet thereof, an average of one shrub or vine shall be planted abutting such barrier but need not be spaced ten feet apart. Such shrubs or vines shall be planted along the outside of such barrier unless they are of sufficient height at the time of planting to be readily visible over the top of such barrier. The remainder of the required landscaped areas shall be landscaped with grass, ground cover, or other landscaping.
- c. *Sight distance.* When an accessway intersects a public right-of-way, all landscaping or structures shall provide unobstructed cross-visibility at a level between 2 1/2 feet and six feet within the areas of property on both sides of the accessway formed by the intersection of each side of the accessway and public right-of-way lines with two sides of each triangle being ten feet in length from the point of intersection and the third side being a line connecting the ends of the two other sides. No structure of landscaping, except required grass or ground cover, shall be located closer than three feet from the edge of any accessway pavement.

Editor's note(s)-
Pursuant to Section
25.08, remove all
reference to Section
17.32 (10) and
replace with 17.52
within the zoning
ordinances.

PASSED AND ADOPTED BY THE CITY OF KAUKAUNA COMMON COUNCIL

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Presiding Officer

Attest

Anthony J. Penterman, Mayor, City of
Kaukauna

Sally Kenney, Clerk, City of
Kaukauna