

ORDINANCE NO. 426

AN ORDINANCE BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, REQUIRING AND REGULATING THE LANDSCAPING OF GREEN SPACES OF PARKING LOTS, MEDIANS AND FACADES OF COMMERCIAL BUILDINGS, PROHIBITING CERTAIN ACTIVITIES NEAR PROTECTED TREES, REQUIRING REPLACEMENT OF PROTECTED TREES DESTROYED OR DAMAGED, AND FOR RELATED PURPOSES.

WHEREAS, the Mayor and Board of Aldermen (the "Governing Body") of the City of Long Beach, Mississippi, (the "Municipality") having made due investigation therefor, do now find, determine, adjudicate and declare that the preservation and planting of trees, shrubs and ground covers aids in the stabilization of soil by the prevention of erosion and sedimentation; reduces storm water run-off and the costs associated therewith; aids in the replenishment of ground water supplies; aids in the removal of carbon dioxide and generation of oxygen in the atmosphere; provides buffer against noise pollution and mitigates the damage resulting from such noise pollution; provides protection against severe weather; aids in the control of drainage and restoration of denuded soil subsequent to construction or grading; provides a haven for insect controlling birds; protects and increases property values; conserves and enhances the physical and aesthetic environment of the City; and generally protects and enhances the quality of life and the general welfare of the city and its residents. Now therefore,

BE IT ORDAINED BY THE MAYOR AND BOARD OF ALDERMEN OF THE CITY OF LONG BEACH, MISSISSIPPI, AS FOLLOWS:

SECTION 1. The land upon which any commercial structure, including commercial establishments and apartment buildings, is located, more particularly, that part of said land surrounding such structure, shall be landscaped as follows:

A. Where the rear or side of a building faces an arterial street, a buffer strip consisting of shade trees shall be planted (or allowed to remain), such trees to be spaced no more than thirty-five (35) feet apart and no more than 5 feet from any adjoining paved surface. Any such shade trees planted in accordance with the provisions of this section shall be of a variety and specie set forth on the list entitled "Attachment

#1", attached hereto and fully incorporated herein.

B. All parking lots shall be landscaped as follows:

- (1) Businesses or apartments having eight (8) or less parking spaces shall have green space, (trees, shrubs, grasses, etc.) equal the length of the building and at least five (5) feet wide.
- (2) Parking spaces for businesses or apartments having nine (9) to thirty-five (35) parking spaces must be divided into sections separated by green spaces at least four (4) feet wide and equal to the length of the parking section, as is shown by the sketch entitled "Attachment #2" attached hereto and fully incorporated herein.
- (3) Parking spaces for businesses or apartments having thirty-six (36) or more parking spaces must be divided into sections separated by green spaces at least four (4) feet wide and equal to the length of the parking section as is required by part (2), above, and additionally, a green space of at least four (4) feet in width shall be constructed along the perimeter of each such parking area.
- (4) Medium sized shade trees shall be planted no more than thirty-five (35) feet apart, and large sized shade trees shall be planted no more than fifty (50) feet apart in the green spaces provided in parts (2) and (3), above.

C. Right-of-Way Visibility.

- (1) In all locations where an access way to parking area or any other vehicular use area intersects a public street and in all locations where the land upon which the commercial structure is located abuts the intersection of two (2) or more public streets, landscaping shall not obstruct cross-visibility within ten (10) feet of the intersection of such access way and street or such streets, at a level between thirty (30) inches and

six (6) feet.

- (2) Landscaping, except required grass or ground cover, shall not be located within three (3) feet of the edge of any access way pavement.

D. Landscaping Quality Standards.

(1) Tree Standards.

- (a) The required trees shall be at least ten (10) feet in overall height upon planting.
- (b) Species of trees shall be those with moderate to dense canopies.
- (c) Any tree planted or maintained as required herein which dies or is removed, shall be replaced within ninety (90) days of its removal.

(2) Shrub Standards:

- (a) Shrubs shall be at least twenty-four (24) inches in height upon planting.
- (2) Any shrub planted or maintained as required herein which dies or is removed, shall be replaced within ninety (90) days of its removal.

- (3) Ground Cover. Ground covers used in lieu of grass in whole or part shall be planted in such a manner as to present a finished appearance and to reasonably complete coverage within one (1) year of planting.

- (4) Lawn Grass. Grass areas shall be planted in a species generally recognized as one grown to cover a permanent lawn in this geographical area. Areas subject to erosion must be sodded.

- (5) Mulches. Mulches shall be applied at a minimum depth of two (2) inches within the dripline of trees and shrubs at installation, except where the dripline is covered by lawn grass.

E. Protection of Protected Trees. Conservation of existing magnolia and live oak trees and such groups of other native trees as may be protected by Ordinance No. 364.

- (1) The entire area within the dripline of an existing protected tree shall be naturally preserved or provided with pervious landscape material and shall be maintained at its original grade with no trenching or cutting of roots. There shall be no storage of fill or compaction of the soil by heavy equipment or otherwise, or placement of concrete, paint, harmful chemicals or other harmful foreign substance in the soil within the dripline area.
- (2) Unless authorized by a properly issued tree removal permit, no soil shall be removed from within the dripline of any protected tree that is to remain at its original location.
- (3) No protected tree shall be damaged from skinning, barking, bumping, cutting of roots or similar activity.
- (4) Active insect infestation of a protected tree shall be treated to alleviate such infestation upon observation of same.
- (5) No change shall be made affecting the permeability of the surface or the grade of the surface within five (5) feet of the trunk of any protected tree.
- (6) Every protected tree which is destroyed or damaged to the extent that it will die shall be replaced by a tree of the same species or, alternatively, a tree of equivalent environmental value, within six (6) months of such destruction or damage.

F. Maintenance.

All landscaping, landscaped areas, landscape development, buffer areas and trees planted or preserved as required by this ordinance or Ordinance No. 364, shall be maintained and used in the following manner.

- (1) Plant Material. All required plant material shall be maintained in a healthy, vigorous, disease free and pest free condition, through proper and efficient watering, fertilizing, pest and disease

management, pruning, and/or replacement.

- (2) Irrigation. All landscaped areas shall be provided with an irrigation system to a readily available water supply located within one hundred (100) feet of such area.

SECTION 2. Severability

If any section, subsection, sentence, clause or phrase of this Ordinance, or the application thereof, be held by any court of competent jurisdiction to be invalid or unconstitutional, such holding shall not affect the remaining portions of this Ordinance.

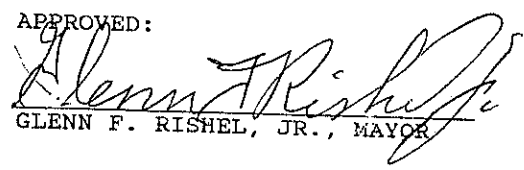
SECTION 3. Effective Date

This Ordinance shall take effect and be in force thirty (30) days after its adoption, publication and enrollment thereof as provided by law.

The above and foregoing Ordinance No. 426 was introduced in writing by Alderman Maxwell, who moved its adoption. Alderman Graves seconded the motion to adopt the Ordinance, and after discussion, no member of the Board of Aldermen having requested the Ordinance to be read by the City Clerk, and the question being put to a roll call vote, the result was as follows:

Alderman Ken Collins	voted	<u>Absent</u> , Not Voting
Alderman Sal Giuffria	voted	<u>Nay</u>
Alderman Miriam Graves	voted	<u>Aye</u>
Alderman Donnie Hammons	voted	<u>Nay</u>
Alderman Donald Logan	voted	<u>Aye</u>
Alderman Pat Maxwell	voted	<u>Aye</u>
Alderman Wayne O'Neal	voted	<u>Aye</u>

The question having received the affirmative vote of \_\_\_\_\_ a majority \_\_\_\_\_ the Aldermen present and voting, the Mayor declared the motion carried and said Ordinance 426 adopted and approved this 5th day of January, 1998.

APPROVED:  
  
GLENN F. RISHEL, JR., MAYOR

ATTEST:  
  
REBECCA E. SCHRUFF, CITY CLERK

C E R T I F I C A T E

STATE OF MISSISSIPPI  
COUNTY OF HARRISON  
CITY OF LONG BEACH

I, the undersigned, Rebecca E. Schruff, City Clerk within and for the City of Long Beach, Mississippi, do hereby certify that the above and foregoing is a true and correct copy of that certain Ordinance Number 426 adopted by the Mayor and Board of Aldermen of the City of Long Beach at a regular meeting duly convened and held on Tuesday, January 5, 1993, as the same appears of record in my office at the City Hall in said City.

Given under my hand and the official seal of my office this the 5th day of January, 1993.

(SEAL)

  
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Rebecca E. Schruff, City Clerk