

PART 11

PARKS, RECREATION AND CULTURAL AFFAIRS

CHAPTER 1

PUBLIC RECREATION BOARD

- § 11-101 Definitions.
- § 11-102 Public recreation board established; composition.
- § 11-103 Terms of office.
- § 11-104 Filling of vacancies.
- § 11-105 Hours.
- § 11-106 Procedural rules, meetings generally.
- § 11-107 Quorum; member not to act in case of conflict of interest.
- § 11-108 Removal of member for failure to attend meetings, and vacancy caused by moving from city.
- § 11-109 Functions.
- § 11-110 Motor boats prohibited.
- § 11-111 Penalty.

CHAPTER 2

CEMETERY

- § 11-201 Cemetery board created.
- § 11-202 Powers and duties.
- § 11-203 "Cemetery Care Fund" created.
- § 11-204 Fund to be set up, interest.
- § 11-205 Donations and deposits.
- § 11-206 Acts prohibited within cemetery.
- § 11-207 Penalty.

CHAPTER 3

COMMUNITY APPEARANCE BOARD

- § 11-301 Purpose.
- § 11-302 Creation of community appearance board.
- § 11-303 Compensation of board members.
- § 11-304 Terms of office.
- § 11-305 Vacancies.
- § 11-306 Board's duties and authority.

CHAPTER 4

LANDSCAPING

- § 11-401 Purpose, requirements, authority and creation of community appearance board.
- § 11-402 Landscape plan.
- § 11-403 General standards.
- § 11-404 Minimum requirements for off-street and vehicular use areas.
- § 11-405 Screening requirements.
- § 11-406 Tree removed for land development and preservation of trees and natural forest.
- § 11-407 Permits, security, installation and maintenance.
- § 11-408 Exemptions for aggregate lot development.
- § 11-409 Existing developed areas of non-conformance.
- § 11-410 Enforcement, violation and penalty.

CHAPTER 1

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- § 11-101 Definitions.
- § 11-102 Public recreation board established; composition.
- § 11-103 Terms of office.
- § 11-104 Filling of vacancies.
- § 11-105 Hours.
- § 11-106 Procedural rules, meetings generally.
- § 11-107 Quorum, member not to act in case of conflict of interest.
- § 11-108 Removal of member for failure to attend meetings, and vacancy caused by moving from city.
- § 11-109 Functions.
- § 11-110 Motor boats prohibited.
- § 11-111 Penalty.

§ 11-101 DEFINITIONS.

The term “board” as used in this chapter shall mean the public recreation board established by this chapter. (Ord. No. 337, 11/86; Ord. No. 530, 8/1/00)

State Law Reference: Title 11 O.S. § 33-106.

§ 11-102 PUBLIC RECREATION BOARD ESTABLISHED; COMPOSITION.

- A. There is hereby established and created a “public recreation board” of the city. It shall consist of thirteen (13) appointive members, all of whom shall be electors of the city.
 - 1. Six (6) members shall be nominated by ward and shall be electors of the ward from which they are nominated.
 - 2. Six (6) members shall be nominated by ward and shall be electors of the Choctaw-Nicoma Park School District to represent the appurtenant ward.
 - 3. One (1) member shall be nominated by the mayor at-large and shall be an elector of the city.
- B. The mayor, city manager, or their designee, if any, shall serve as ex officio members of the commission.
- C. Four (4) students from the Choctaw High School shall be appointed by City Council upon recommendation of names by school officials to serve as ex officio members of the Commission for a two-year term. (Ord. No. 337, 11/86; Ord. No. 389, 10/3/89; Ord. No. 530, 8/1/00; Ord. No. 596, 6/28/05)

prescribed in § 11-102(A) or by nomination by councilmember as prescribed in § 11-102(A and B);

- C. Any vacancy in a ward position shall be filled by nomination of the councilmember from that ward, unless ninety (90) days after expiration of the preceding term, or within ninety (90) days after that board seat is vacated by death, resignation, removal from office, or the previous member moved from the city:
1. The councilperson fails to submit a nomination, for that ward or at-large in which the vacancy occurs or the term has expired, for replacement or reappointment; or
 2. The council fails to confirm the nomination submitted by the councilperson belonging to the ward for which the board seat is appurtenant; and
- D. Then, in either case noted in paragraph 3 above, the mayor shall nominate, at-large, a person to serve in the ward-appurtenant or at-large seat. The term of such mayoral nominee, after confirmation by the council, shall be the same as if the councilmember from the appurtenant ward had nominated the mayoral nominee and the council had confirmed such. (Ord. No. 337, 11/86; Ord. No. 342, 4/7/87; Ord. No. 389, 10/3/89; Ord. No. 530, 8/1/00)

§ 11-105 HOURS.

All parks and recreational areas shall be opened from sun-up to sun-down unless changed for special events by motion or resolution by the city council. (Ord. No. 352, 7/21/87)

§ 11-106 PROCEDURAL RULES, MEETINGS, GENERALLY.

The board shall hold at least one regular meeting every month, at such time as it may prescribe by motion or resolution, which meetings shall be open to the public. Emergency and special meetings may be called at any time by the chairman or a majority of the members of the board. The board shall establish rules and regulations for its own procedures, shall elect a chairman from its own members to serve for a one-year term. The chairman can succeed himself for a maximum of two (2) consecutive terms. A city staff member shall be the secretary of the board and he shall keep permanent minutes of all its meetings. (Ord. No. 337, 11/86; Ord. No. 530, 8/1/00; Ord. No. 536, 12/19/00)

§ 11-107 QUORUM; MEMBER NOT TO ACT IN CASE OF CONFLICT OF INTEREST.

Eight (8) members of the board shall constitute a quorum. No board member shall act in a case of which he has a conflict of interest. (Ord. No. 337, 11/86; Ord. No. 530, 8/1/00)

§ 11-108 REMOVAL OF MEMBER FOR FAILURE TO ATTEND MEETINGS, AND VACANCY CAUSED BY MOVING FROM CITY.

- A. Continued absence of any member from regular meetings of the board shall at the

discretion of the city council render such member liable to immediate removal from office in accordance with § 2-506 of the Code.

- B. Whenever a member appointed to an appurtenant ward shall move from the city, his office shall become vacant.
- C. Whenever a member appointed at-large to represent an appurtenant ward shall move from the school district, his office shall become vacant. (Ord. No. 337, 11/86 Ord. No. 530, 8/1/00)

§ 11-109 FUNCTIONS.

- A. The board shall serve in an advisory capacity to the city council and it shall:
 - 1. Identify and analyze both short range and long range needs for parks and recreation for the city;
 - 2. Recommend priorities for land acquisition and capital improvements;
 - 3. Assist the city in coordinating the development and maintenance of a master plan for parks and recreation;
 - 4. Recommend specific parks and recreation programs and develop and present cost studies and methods of financing the board's recommendation;
 - 5. Recommend specific maintenance programs;
 - 6. Prepare and submit to the council through the city manager a recommended annual development and operating plan for parks and recreation;
 - 7. Solicit and consider suggestions from city citizens, including the city school system, regarding parks and recreation; and
 - 8. Recommend to the city for enforcement, ordinances and rules and changes in policy for the operation of city parks and recreation programs.
- B. The board may conduct and operate special public recreation events, fairs and festivals subject to policies, rules and regulations of the city.
- C. The board shall make no commitments or agreements which require any expenditure of the city monies without the prior approval of the city council. (Ord. No. 337, 11/86; Ord. No. 530, 8/1/00)

§ 11-110 MOTOR BOATS PROHIBITED.

- A. It shall be unlawful for any person to operate a motor boat of any kind, whether powered

by gas, electricity, or otherwise, upon lakes owned by the city.

- B. Enforcement of this section is hereby granted to the police chief of the city and all commissioned city police officers. Enforcement of this section is further granted to the code enforcement officer of the city.
- C. Any person convicted in the municipal court of violating this section shall be punished as provided in § 1-108 of this code. (Ord. No. 283, 8/6/85)

§ 11-111 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in § 1-108 of this code. (Ord. No. 112, 6/6/75)

CHAPTER 2

CEMETERY

§ 11-201	Cemetery board created.
§ 11-202	Powers and duties.
§ 11-203	“Cemetery Care Fund” created.
§ 11-204	Fund to be set up, interest.
§ 11-205	Donations and deposits.
§ 11-206	Acts prohibited within cemetery.
§ 11-207	Penalty.

§ 11-201 CEMETERY BOARD CREATED.

A board of cemetery trustees may be appointed, to be composed of three (3) members whose term shall be six (6) years. At the time of the first appointment after the adoption of this section, the mayor shall designate one of the number to serve for a period of two (2) years, another to serve for a period of four (4) years, and the other to serve for a period of six (6) years. Thereafter, each member shall serve for a term of six (6) years. (Prior Code, § 6-1)

State Law Reference: Municipal Cemeteries, powers, board, 11 O.S. §§ 26-101 et seq.

§ 11-202 POWERS AND DUTIES.

The board of cemetery trustees shall act as an advisory commission to the city council with reference to all city owned cemeteries within or without the city. The commission shall make recommendations to the city council with reference to the operation of the cemeteries and recommendations as to rules and regulations concerning the use of same by the public and the management, control and improvement thereof, not inconsistent with the state law governing municipal cemeteries. All budgeting and funding shall be done by the city and all expenditures of funds must be approved by the city council. (Ord. No. 232, 8/2/83)

§ 11-203 “CEMETERY CARE FUND” CREATED.

Twenty-five percent (25%) of all moneys received from the sale of lots and interments shall be segregated and set aside as a permanent fund to be known as the “Cemetery Care Fund”. Such fund is to be invested as provided by the laws of the state. (Prior Code, § 6-6)

§ 11-204 FUND TO BE SET UP, INTEREST.

- A. The city treasurer shall set up and establish, as a separate account, the “Cemetery Care Fund”. He shall also keep a separate account of all revenues and funds received and derived from the sale of lots sold in the city cemetery and from charges made for interments.
- B. Only the interest derived from the investment of the “Cemetery Care Fund” shall be used

for the improving, caring for and embellishing the lots, walks, drives, parks and other improvements of the city cemetery. (Prior code, §§ 6-7, 6-8)

§ 11-205 DONATIONS AND DEPOSITS.

Donations, deposits and bequests may be made in trust for the special care of specified lots, monuments or mausoleums in the city cemetery. Such funds shall be invested in like manner as the "Cemetery Care Fund", but a separate account shall be kept of each amount so deposited, donated and bequeathed and shall be expended as specified by the donor. (Prior Code, § 6-9)

§ 11-206 ACTS PROHIBITED WITHIN CEMETERY.

It is an offense to ride or drive through the city cemetery except on the driveways therein, and at a speed of more than fifteen (15) miles per hour. It is an offense for any person not acting in the line of duty or within his own rights, to injure or remove any tree, shrub or plant, or to pluck flowers from any lot, or deface any monument, tombstone, ornament on any grave, or any fence, curbing or railing around any grave, lot or part of lot, or to remove any ornament at any grave, or to damage anything whatsoever in such cemetery. (Prior Code, § 6-10)

§ 11-207 PENALTY.

Any person, firm, or corporation who violates any provision of this chapter shall be guilty of a misdemeanor, and, upon conviction, shall be fined as provided in § 1-108 of this code. (Prior Code, § 6-11)

CHAPTER 3

COMMUNITY APPEARANCE BOARD

§ 11-301	Purpose.
§ 11-302	Creation of community appearance board.
§ 11-303	Compensation of board members.
§ 11-304	Terms of office.
§ 11-305	Vacancies.
§ 11-306	Board's duties and authority.

§ 11-301 PURPOSE.

It is the purpose of this ordinance to create and establish a community appearance board in order to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city for all new multi-family, civic, church, office, commercial, and industrial construction, for any addition to an existing multi-family, civic, church, office, commercial, and industrial use if the proposed addition increases the size of the existing structure, and for all entrances to subdivisions. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-401)

§ 11-302 CREATION OF A COMMUNITY APPEARANCE BOARD.

There is hereby created and established a community appearance board for the city, which shall consist of nine (9) members, at least eighteen years of age, one who shall be appointed by each council member and the mayor representing the city at-large, to serve at the pleasure of the city council.

- A. Members shall reside within the city limits and/or the Choctaw/Nicoma Park school district.
- B. The office of the public works director and city manager shall comprise the remaining two members of the board. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-402)

§ 11-303 COMPENSATION OF BOARD MEMBERS.

Members of the board shall serve without compensation; however, the city may reimburse such members for reasonable, authorized and necessary expenses incurred in the performance of their duties. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-403)

§ 11-304 TERMS OF OFFICE.

- A. The term of the seven persons to be appointed by the mayor and city council shall be three (3) years each, except that the term of the members appointed to the first board representing wards 1, 3 and 5 shall be for three (3) years; the term of the members

appointed to the first board representing wards 2, 4 and 6 shall be two (2) years; and the term of the member appointed to the first board by the mayor shall be for one year.

- B. Continued absence of any member from regular and special meetings of the board shall at the discretion of the city council render such member liable to immediate removal from office in accordance with § 2-506 of the city code. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-404)

§ 11-305 VACANCIES.

- A. In the event a vacancy shall occur during the term of any board member due to death, resignation or removal, his successor shall be appointed for the unexpired portion of his term.
- B. Whenever a member shall move from the city limits and/or school district, his office shall become vacant. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-405)

§ 11-306 BOARD'S DUTIES AND AUTHORITY.

The board shall:

- A. Choose its own officers, make its own rules and regulations, keep minutes of its meetings, and act by a vote of a majority of members at meeting at which a quorum shall be present. A majority of the board shall constitute a quorum.
- B. Develop a management plan based on the ordinance for such planting, care, cultivation, pruning and removal of trees, shrubs and plants to be planted, preserved and removed or replaced. Such plan shall be presented to the city council for approval and upon acceptance and approval by resolution of the council, such plan shall constitute the official comprehensive tree, shrub and plant plan for the city. This plan will be reviewed and updated as deemed necessary.
- C. The board shall make no commitments or agreements which require any expenditure of city monies without the prior approval of the city council.
- D. The board has the authority to apply for appropriate grants for the planting, caring, cultivating, pruning and removing of trees, shrubs and plants to be planted, preserved and removed or replaced.
- E. The board has the authority to develop and administer a grant program for existing businesses to comply with the new landscape ordinance upon approval by the city council.
- F. The board shall review and approve as part of the city's site plan review all landscape plans submitted for all new multi-family, civic, church, office, commercial, and industrial construction.

- G. The board shall review and approve as part of the city's site plan review all landscape plans submitted for any addition to an existing multi-family, civic, church, office, commercial, and industrial use if the proposed addition increases the size of the existing structure.

- H. The board shall review and approve as part of the city's site plan review process all landscape plans for all entrances to subdivisions. (Ord. No. 544, 12/4/01; Ord. No. 570, 2/24/04) (Prior Code § 11-406)

CHAPTER 4

LANDSCAPING

§ 11-401	Purpose and authority and creation of community appearance board.
§ 11-402	Landscape plan.
§ 11-403	General standards.
§ 11-404	Minimum requirements for off-street and vehicular use areas.
§ 11-405	Screening requirements.
§ 11-406	Tree removed for land development and preservation of trees and natural forest.
§ 11-407	Permits, security, installation and maintenance.
§ 11-408	Exemptions for aggregate lot development.
§ 11-409	Existing developed areas of non-conformance.
§ 11-410	Enforcement, violation and penalty.

§ 11-401 PURPOSE AND AUTHORITY AND CREATION OF COMMUNITY APPEARANCE BOARD.

- A. Purpose: The purpose of this landscaping and screening regulation is:
1. To provide good visual appeal to buildings and paved areas through the use of trees, shrubs and plants.
 2. To encourage areas of established native forest to be reserved within a project/development site and to properly protect preserved areas during construction.
 3. To preserve healthy environmental condition by providing shade, air purification and oxygen generation, groundwater recharge, storm water runoff retardation, and noise, glare and heat abatement through reservation of areas of native forest and installation of landscape.
 4. To buffer uncomplimentary land use.
 5. To require timely replacement of landscape components lost after installation.
- B. Landscaping Required. Landscaping, as required herein, shall be provided for all residential, multi-family, civic, church, office, commercial, and industrial construction in the City of Choctaw. Landscaping shall also be provided for any addition to an existing multi-family, civic, church, office, commercial, or industrial use if the proposed addition increases the size of the existing structure.
- C. Authority: The purpose of this chapter shall be administered by the Community Appearance Board, to be made up of 7 members who shall be appointed by each Council member and the Mayor. The Board shall comprise of residents of Choctaw. The

Community Appearance Board shall review and approve all landscaping plans be submitted for multi-family, residential subdivisions, civic, church, office, commercial and industrial construction. Existing businesses wishing to come into compliance or expanding by increasing their size of the existing structure shall comply with this ordinance. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-501)

§ 11-402 LANDSCAPE PLAN.

- A. Application. Landscaping consisting of trees, shrubs, ground cover, flowers, and screening as deemed applicable shall be required for any new construction or expansion of existing uses. Hereafter, all plans submitted in support of a final development of building permit shall include a landscape plan and include screening where appropriate.
- B. Information Required. All plans submitted for approval of a landscape plan shall have the following information included:
1. North point and scale.
 2. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
 3. The location, size and surface of materials of all structures and parking areas.
 4. The location, size and type of all above ground and underground utilities and structures within property notation, where appropriate, as to any safety hazards to avoid during landscape installation. Landscaping shall not interfere with above or below ground utilities or sewer systems. Landscaping shall be located to ensure long term growth.
 5. Complete and accurate botanical and common names of each plant material, the number and location of trees or plants to be placed, the size at planting and areas to receive seed or sod.
 6. Mature sizes of plant material shall be drawn to scale and called out on plan by common name of appropriate key.
 7. Location of hose connections and other water sources.
 8. The location, size and type of required screening methods as required in § 11-405.
 9. Any proposed retaining walls, indicating location, size and material to be used in the construction of the wall.
 10. Chart indicating point totals for the four (4) required areas of landscaping.
 - a. § 11-403 General Standards.

- b. § 11-404 Minimum Requirements for Off-Street and Vehicular Use Areas.
 - c. § 11-405 Screening Requirements.
 - d. § 11-406 Trees Removed for Land Development and Preservation of Trees and Natural Forest
11. Stamped drawings by a landscape architect, where required by state law. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-502)

State Law Reference: 59 O.S. 2001, §§ 46.1 et seq.

§ 11-403 GENERAL STANDARDS.

The following criteria and standards shall apply to landscape materials and installation.

- A. Quality. All trees and shrubs used in conformance with the provision of this section shall have well-developed leaders and tops, and roots characteristic of the species, cultivars or variety and shall show evidence of proper nursery pruning. All plant materials must be free of insects, diseases, mechanical injuries and other objectionable features at the time of planting.
- B. Distribution of Landscaping. All landscaping within a zoning district shall conform to the required point allotment for the specified district. Additional required landscaping is indicated in § 11-404 Minimum Requirements for Off-Street and Vehicular Use Areas, § 11-405 Screening Requirements, and § 11-406 Trees Removed for Land Development and Preservation of Trees and Natural Forest.
 - 1. All residential districts to include R-R, Rural Residential District; R-S, Single-Family Residential District; R-G, General Residential District; and Neighborhood Residential District (proposed):
 - a. 100 points per acre of site area or portion thereof at entrances;
 - b. 60 points per acre of dedicated open space or portion thereof;
 - 2. All commercial districts to include the C-C, Convenience Commercial District; C-O, Office Commercial District; C-G, General Commercial District; C-D, Open Display Commercial District; and C-R, Commercial Recreation District:
 - a. 80 points per acre of site area or portion thereof;
 - b. Where 20 points shall be placed between the building facade and the public right-of-way.

3. All industrial districts to include the I-L, Light Industrial District and I-H, Heavy Industrial District:
 - a. 80 points per acre of site area or portion thereof.
4. Central Business District:
 - a. 90 points per acre of site area or portion thereof.

C. Residential Placement.

1. Landscaping is required for all entrances to residential subdivisions and shall be equally divided at all entrances, with trees making up at least 40% of the point total.
2. Residential subdivisions shall have one (1) tree for every sixty (60) linear feet or portion thereof. Plantings may be grouped or equally distributed.
3. The landscaping shall be no closer than ten (10) feet of the public right-of-way or property line.
4. The location of proposed landscaping shall be shown on the preliminary and final plat.
5. All required landscaping must be planted prior to the issuance of an occupancy permit for any dwelling.
6. Continual maintenance of the required trees must be provided. The property owner shall be responsible for such maintenance.
7. In the event a tree and/or trees are removed because of road and/or utility work within the easements, said tree(s) shall be replaced by the property owner.
8. All landscaping at entrances shall be in place prior to issuance of building permits.

D. Commercial Placement:

1. A minimum of 15% lot coverage is required for landscaping. Landscaping shall be equally dispersed so that no location is more than sixty (60) feet from a landscaped area, including parking islands, and perimeter plantings.
2. Commercial properties shall have canopy trees lining each public right-of-way at once every sixty (60) linear feet or portion thereof but not to interfere with above or below ground utilities or sewer systems.

3. Additional required landscaping is indicated in § 11-404.

E. Coverage. Grass, ground cover, shrubs and other living landscape materials shall be used to cover all open ground. Landscaping materials, such as mulch, bark, etc., can be incorporated into a landscape plan. A minimum of 50% of total points shall be trees, where no less than half of the points shall be allotted to canopy trees. Shrubs shall consist of approximately fifty (50) percent flowering shrubs, grasses, perennials or annuals, approximately twenty-five (25) percent evergreens and approximately twenty-five (25) percent of deciduous shrubs.

1. Landscaping shall have the following characteristics:

a. Trees. Trees referred to in this section shall be a species common to or adapted to this area of Oklahoma on a tree list provided by the OSU Extension Center Preferred Planting Guide.

(1). Canopy trees shall be deciduous trees that have a minimum height of thirty (30) feet at maturity. All canopy trees shall be at least six (6) feet tall at time of planting. 5 POINTS per tree.

(2). Under-story trees shall be deciduous trees that have a maximum height of less than thirty (30) feet at maturity. All under-story trees shall be at least six (6) tall high at time of planting. 4 POINTS per tree.

(3). Ornamental trees shall be flowering deciduous trees. All ornamental trees shall be at least six (6) foot at time of planting. 3 POINTS per tree.

(4). Evergreen or conifer trees shall be at least six (6) foot size at time of planting. 3 POINTS per tree.

2. Shrubs and Hedges. Shrubs shall be a minimum 1-gallon size. Hedges, where installed, shall be planted and maintained so as to form a continuous, unbroken, solid, visual screen. 1 POINT per plant.

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

4. Lawn Grass. Grass areas may be sodded, plugged, sprigged or seeded except that solid sod shall be used in swales, berms or other areas subject to erosion.

5. Existing Trees. Existing trees to be preserved shall be protected during construction as follows and in accordance with the City's soil erosion and sedimentation ordinance. The following credit shall be granted for each existing tree that is preserved in good condition:

- a. A temporary fence shall be constructed around the root zone of each tree to be preserved prior to any grading or construction on the property.
 - b. No heavy equipment shall be used or stored within the area enclosed by the temporary fence.
 - c. No building materials or soil shall be stored within the area enclosed by the temporary fence.
 - d. Installation of underground utilities should be avoided within the area enclosed by the temporary fence. If installation of underground utilities is necessary, tunneling shall be used as soon as roots one (1) inch or greater in diameter are encountered, except that in the vicinity of trees less than six (6) inches in diameter at four and one-half (4 ½) feet above grade, tunneling shall be used under the entire canopy. Tunneling must occur below the main lateral level of roots or at least two (2) feet below the surface, whichever is greater. Tunneling shall be done from both directions. Soil shall be back filled in the tunnels to the same compactness as before removal.
 - e. Road and grade cuts (for basements and foundations) shall be outside the area enclosed by the temporary fence and at least one (1) foot away from the tree bole (trunk) for each one (1) foot of depth of the cut.
 - f. No grading shall be done that impounds water during wet periods or increases the drainage rate so that water tables are lowered.
 - g. Fill may be placed within the area enclosed by the temporary fence provided the fill material consists of good topsoil, high in organic matter and of loamy texture, and does not exceed three (3) inches of depth.
6. Flowering Plants. Annuals and perennials shall be 3-inch or larger pot size. 1 POINT for each ten (10) sq ft of plant bed containing a minimum of ten (10) or more plants.
 7. Ornamental Grasses. Grasses with a maturity size less than 2 feet shall be 4-inch or larger pot size. Grasses with a maturity size of 3 feet or taller shall be a gallon size at time of installation. 1 POINT for each plant.
 8. Above Ground Planters. Planters may be used as part of the landscaping requirements. 1 POINT for each planter. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-503)

§ 11-404

MINIMUM REQUIREMENTS FOR OFF-STREET AND VEHICULAR USE AREAS.

The interior and perimeter of parking lots and vehicular use areas, for uses requiring site plans, shall be landscaped in accordance with the following criteria. Areas used for parking or vehicular storage which are under, on, or within building are exempt from these standards.

- A. Interior Landscaping. An additional ten percent (10%) minimum of the gross parking or vehicular use area shall be devoted to living landscaping which includes grass, ground cover, flowering plants, shrubs and trees. Gross parking area shall be determined by calculating the total area used for parking, including circulation aisles. Planting islands may be grouped in such a way as to provide visual relief to those building elevations the public views of the project.

- B. Additional criteria shall apply to the interior of parking and vehicular use areas:
 - 1. Interior areas of parking and vehicular use areas shall contain planting islands. Each planting island shall have a minimum of (2) under story trees or ornamental trees or one (1) canopy tree planted in each island.

 - 2. Planting islands shall be located so that no planting island is more than 60' from another planting island or landscaped area. Interior planting areas shall be a minimum of one hundred (100) square feet for each canopy tree or two hundred (200) square feet for each under story, or ornamental trees, dimensioned in such a way as to provide a suitable area for planting. No area larger than 400 square feet shall qualify as a planting island for the purposes of this section.

 - 3. Curbing and encroachment of vehicles into landscape areas. Except as provided in Subdivision Development General Engineering Detail Standard Designs, in § 19-126, all landscape areas shall be separated from vehicular use areas by non-mountable, reinforced concrete curbing. The use of a landscaped swell may be used where conditions are favorable.

 - 4. Use of Wheel Stops. All landscaped areas at the front line of off-street parking spaces may be protected from encroachment or intrusion of vehicles through the use of wheel stops. Wheel stops shall have a minimum height of six (6) inches above finished grade of the parking area. Wheel stops shall be properly anchored and shall be continuously maintained in good condition.

 - 5. Whenever an off-street parking or vehicular use area abuts a public right-of-way, a perimeter landscape area at least five (5) feet in depth shall be maintained between the abutting right-of-way and the off-street parking or vehicular use area. This may include the public right-of-way.

 - 6. Necessary access ways from the public right-of-way shall be permitted through all landscaping.

 - 7. Any increase in parking over the minimum shall add an additional 8 POINTS per

parking space with no less than 50% of the point total dedicated to trees. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-504)

§ 11-405 SCREENING REQUIREMENTS.

- A. Application. All plans submitted in support of a final development plan, building permit or special use permit shall include a detailed drawing of applicable screening methods. Such drawing may be included as part of the landscape plan. Any buffer or screening requirement located on an adjacent property may be utilized as a portion of a required buffer or screen.

- B. Commercial Trash Bin Screening. All multi-family residential projects, mobile home parks, civic, church and all commercial, office and industrial projects shall be included on the landscape plan with a detailed drawing of enclosure and screening methods to be used in connection with trash bins, storage yards, parking lots and equipment areas on the property. No trash bin shall be visible from off the property, and a permanent masonry or frame enclosure shall be provided for each such bin.

- C. Screening Requirements. Shall be in compliance with Choctaw Code 12-287.

- D. Limited Access To Thoroughfares and Subdivision Buffering. Shall be in compliance with Choctaw Code §§ 12-219:79 (definitions) and Choctaw Code § 19-127 (sight proof fence and landscaping requirements).

- E. Screening Standards. A screen shall consist of a screen wall, fence, earth berm or densely planted evergreens to effectively restrict the view to adjoining property to a height of not less than eight (8) feet. Multi-story buildings must have in addition to a sight proof fence, a continuous roll of deciduous canopy trees adjacent to residential land uses.

- F. Screen Types-Definitions. For the purpose of this section the following terms shall be deemed to have the meaning indicated below:
 - 1. BERMS: A berm screen constructed of earthen materials shall not exceed a slope steeper than two and one-half (2 ½) feet horizontal to one (1) foot vertical. A berm shall be so designed that drainage from said slope shall be directed away from paved areas and sidewalks and shall be sodded and landscaped as necessary to provide to soil stabilization. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.

 - 2. FENCE-OPEN: An open weave or mesh type fence, constructed of wood or other approved materials shall be not less than six (6) feet in height, nor more than eight (8) feet. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.

3. FENCE-SOLID: A solid fence shall not be less than six (6) feet in height, nor more than more than eight (8) feet and shall be constructed of approved materials. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 4. WALLS: Including retaining walls: A wall screen consisting of concrete, stone, brick, tile or similar type of approved solid masonry material, shall be not less than six (6) feet in height, nor more than eight (8) feet. In addition, at least thirty percent (30%) of the area screened shall be landscaped with ornamental trees, ornamental grasses, evergreens, shrubs and/or flowers.
 5. ABOVE GROUND PLANTERS: Must be a minimum of two (2) feet in height. Planted with ornamental grasses, shrubs and/or flowers.
- G. Existing Screening. No existing screening or landscape buffer shall be removed from any developed or undeveloped commercial property, which directly abuts a residentially zoned property, without first submitting and obtaining approval for a landscaping plan, which plan provides for replacement screening conforming to all provisions of this section. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-505)

§ 11-406 TREE REMOVED FOR LAND DEVELOPMENT AND PRESERVATION OF TREES AND NATURAL FOREST.

Remnant forest areas in Choctaw maintain the natural character of the land, enhance the value of property, preserve the quality of the watershed, and provide necessary wildlife habitat. The City of Choctaw Vegetation Map shall be referenced for any proposed development to determine if remnant forested areas exist on the subject property.

- A. Developer shall submit a tree preservation statement describing their intent to preserve remnant forest where applicable, and comply with all state and local storm water regulations.
- B. Quality: Preservation of the remnant forested areas and replanting of deforested areas are the primary objective of this ordinance. Remnant forested areas are largely characterized by Burr Oak and Post Oak varieties of trees that exist in the Crosstimbers region.
- C. Choctaw Standard Drainage Policy. All development and/or tree removal shall conform to the City's Standard Drainage Policy, as adopted.
- D. Clearing Of Land-Time Limit. No land shall be cleared for development without the submission of the Developers Tree preservation statement, and proposed landscaping plan. Where land is cleared through issuance of a signed permit issued by the City of Choctaw and construction does not begin within six (6) months from the date of clearing permit issuance, the owner shall be required to replant the cleared property to its original natural state. A six (6) months extension of the above limit may be issued at the discretion of the city manager or his designee. (Ord. No. 569, 1/27/04; Ord. No. 635,

8/14/07) (Prior Code § 11-506)

§ 11-407 PERMITS, SECURITY, INSTALLATION AND MAINTENANCE.

- A. Permit Required. A permit shall be required for all landscaping plans submitted for approval. A fee as set by the city council by motion or resolution shall accompany the landscaping plans.
- B. Landscaping In Place Prior To Occupancy Permit. All landscaping and screening material, living and non-living, shall be healthy and in place prior to issuance of final occupancy permit. A temporary certificate may be issued without the installation of landscaping if seasonal limitations prevent its planting provided a security bond is properly filled with the city clerk equal to the cost of the landscaping.
- C. Maintenance. The owner of the property shall be responsible for maintaining the landscaping required by this article. Plant materials shall be maintained in a healthy and growing condition that is appropriate for the season of the year. Plant material, which dies, shall be replaced with healthy plant material of similar variety and meeting the size requirements of this ordinance.
 - 1. The developer, his/her successor and/or subsequent owners, shall be responsible for the continued maintenance of all landscaping.
 - 2. Plant material which exhibits evidence of insects, pest, disease, and/or damage shall be appropriately treated, and dead plants properly removed and replaced within the next planting season.
 - 3. All landscaping may be subject to periodic inspection.
 - 4. Should landscaping not be installed, maintained and replaced as needed to comply with the approved plan, the owner and his/her agent shall be considered in violation of the terms of the building permit and this chapter. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-507)

§ 11-408 EXEMPTIONS FOR AGGREGATE LOT DEVELOPMENT.

- A. Public road right-of-way and utility easements shall not be exempt from the provisions of this chapter but shall be in compliance with § 11-403(C)(3) pertaining to utilities.
- B. Open space must be landscaped and maintained prior to occupancy and/or at the time of acceptance of the final plat.
- C. Any portion of property dedicated as greenbelt zoning shall be exempt from this landscaping ordinance, and shall be protected from construction traffic. The developed portion of the property shall be subject to this ordinance. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-508)

§ 11-409 EXISTING DEVELOPED AREAS OF NON-CONFORMANCE.

The Community Appearance Board shall establish an incentive and/or grant program for existing property owners wishing to come into compliance for implementation by the city and approved by the city council by motion or resolution. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-509)

§ 11-410 ENFORCEMENT, VIOLATION AND PENALTY.

- A. Prior to issuance of occupancy permit, the building inspector must confer with the code enforcement officer to insure that all required landscaping has been installed.

- B. Any person, firm or corporation who violates any of the provisions of this chapter or this code or the rules, regulations, or standards as adopted by this ordinance, shall be guilty of an offense and upon conviction thereof shall be subject to a fine as set forth under § 1-108 of the Code of Ordinances, City of Choctaw, Oklahoma. (Ord. No. 569, 1/27/04; Ord. No. 635, 8/14/07) (Prior Code § 11-510)