ORDINANCE NO. 18255

AN ORDINANCE introduced by Mayor James A. McClinton, relating to landscape regulations, amending City of Topeka Code §§ 48-38.01, 48-38.02, 48-38.04, 48-38.05, 48-38.06, 48-38.07, 48-38.08, 48-38.09, 48-38.11, and 48-38.12 and specifically repealing said original sections.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TOPEKA, KANSAS:

Section 1. Topeka City Code § 48-38.01, Definitions, is hereby amended to read as follows:

Definitions.

The following words, terms and phrases, when used, shall have the meaning ascribed to them herein, except when the context clearly requires otherwise.

City forester: Refers to the City of Topeka Forester or designated authority.

D.B.H.: Diameter at breast height. D.B.H. is used for trees with a diameter greater than twelve (12) inches and is measured four and one-half (4 1/2) feet above the ground.

Developed area: All land area disturbed during the construction of structures, parking facilities, landscaped areas, and similar improvements.

Developer: The legal or beneficial owner of a lot or parcel or any land proposed for development and/or inclusion in a development, including the owner of an option, contract to purchase, or lease.

Development: The construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure or parking facility, or their environs.

Diameter caliper: The size of a tree measured through the tree trunk. For trees less than four (4) inches in diameter, it is measured six (6) inches from the ground. For trees between four (4) inches and twelve (12) inches in diameter, it is measured twelve (12)
inches from the ground.

**Groundcover:** An evergreen, or deciduous planting or ornamental grass, growing generally to less than 24 fifteen (15) inches in height; and generally spreads more in width than height. Turf grass is specifically excluded.

**Irrigation system:** A permanent underground piping and sprinkler head system designed using industry standard methods to provide uniform irrigation coverage over a landscaped area.

**Landscaped area:** Any area planted with groundcover, trees, shrubs, or other plant material that meets the provisions contained herein.

**Mono-culture:** A single type of species of planting.

**Mulch:** A natural planting material such as pine straw or tree bark used to control weed growth, reduce soil erosion and reduce water loss.

**Parallel planting peninsula:** A planting island that extends out into the parking area, and is bounded on at least one (1) side by the outer edge of the asphalt or building.

**Parking lot:** Any off-street, unenclosed ground level facility used for the purpose of temporary storage of motor vehicles. Included within this definition are unenclosed carports associated with any or all development governed by this article. Enclosed parking facilities, such as single or multi-story garages or parking facilities constructed within the confines of a larger building or structure, or parking facilities associated with residential development are not included within this definition.

**Parking lot island:** A planting island contained completely within the confines of a parking facility.

**Parking lot planting:** A planting required due to the construction of non-covered
surface parking.

Recommended tree: Any one (1) of the trees listed in "Recommended Trees" of this chapter-[article]. These trees are well suited for the soils and climate of Topeka, Kansas.

Significant tree: Any tree with a diameter caliper of six (6) inches or greater.

Shrub: An evergreen or deciduous planting no less that 24 than fifteen (15) inches in height.

Section 2. Topeka City Code § 48-38.02, Applicability, is hereby amended to read as follows:

Applicability.

All requirements set forth in this article are applicable as follows:

(A) Any construction within the "O&I-1," "O&I-2," "O&I-3," "C-1," "C-2," "C-3," "C-4," "M-S," "I-1," "I-2," "X-1," "X-2," "X-3," "U-1," and "D-2," and all planned unit development districts for the above listed use groups; and any construction of any parking lots in the "C-5" or "D-1" zoning district. Multi-family dwelling developments (buildings composed of four (4) or more dwelling units), churches or other religious or institutional uses in any zoning district and all developments constructed under the provision of a "conditional use permit," in any zoning district, are also subject to this article.

(B) An alteration to an existing structure which increases or decreases the amount of gross floor area of such structure by more that fifty percent (50%) and an alteration to a parking lot which increases or decreases the gross area of the parking lot by more than fifty percent (50%) shall be required to come into compliance with all landscaping provisions contained in this article.

(C) The provisions of this article shall apply to all legal nonconforming uses as
established and defined in section City of Topeka § 48-1.03 of the Comprehensive Zoning Regulations.

Section 3. Topeka City Code § 48-38.04, Landscape Plans, is hereby amended to read as follows:

Landscape Plans.

(A) Requirements generally: Landscape plans shall be submitted at the time of application for a building permit, and also at the time of application for planned unit developments and conditional use permits. All landscaping plans shall include the following information:

1. North point and scale.
2. The dimensions drawn to scale of the developed area.
3. Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.
4. The location, size, and surface of materials for all structures and parking areas.
5. The location, size, and type of all utilities and structures with notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.
6. The location, size, type, and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading, and condition shall be specified according to Kansas American Nursery and Landscape Association standards.
7. The location, size, and common name of all existing plant materials to
be retained on the site. Procedures for preserving existing trees during construction shall be submitted and followed accordingly.

(8) Mature sizes of plant materials shall be drawn to scale and called out. Sizes of plant material shall be drawn to scale and shown at sixty percent (60%) to seventy percent (70%) of mature size, and shall be specified on the plan by a common name or appropriate key.

(9) Location of hose connections and other watering sources watering sources shall be specified if an irrigation system is not provided.

(10) The location of all trees, 42- twelve (12) inch D.B.H. proposed for removal diameter caliper or greater measured four and one-half inches D.B.H. above ground level that are proposed for removal.

(11) All screening required by this article.

(12) Landscape plans shall be submitted on a separate drawing sheet(s) of a standard size (preferable 24 inches x 36 inches) and drawn to a standard scale.

(13) Landscape plans shall demonstrate that all planting requirements have been met using the point system format illustrated in Template 1.

(14) If the developed area is required to buffer, the landscape plan shall depict the buffer area.

(15) Plants outside of the construction area need not be shown on the landscape plan.

(16) Alternate plans which meet the spirit and intent of this article may be submitted to the planning director for approval.

(17) Landscape plans shall be drawn by an architect, landscape architect,
engineer, or Kansas Nursery and Landscape Association (KNLA)-certified landscaper other professional landscape designer.

(18) Significant trees located within public right-of-way which abuts the developed area shall be shown on the landscape plan.

(B) Certificate of landscape plan approval and appeal: If the planning director or designee determines following review of the landscape plan that the plan meets the provisions of this article then the planning director or designee shall issue a landscape plan certificate of approval.

A developer who is aggrieved by the administration of this article may file an appeal with the Metro Board of Zoning Appeals in accordance with the provisions of article XXXIV, Appeals.

Template 1.

| Square footage of developed area: |  
| Base points required: |  
| (See Table 1) |  
| Parking lot points required: | 1.5 points per parking space |  
| Total points required: |  
| Existing tree credits claimed: |  
| Irrigation credits claimed: |  

VYORD/LANDSCAPE 04/14/04 6
Section 6. Topeka City Code § 48-38.05, Landscape requirements, is hereby amended to read as follows:

Landscape requirements.

(A) Performance Objectives: All required landscape plans shall emphasize plantings along visible street frontages and required buffer yards, as specified by this article to the greatest extent possible.

(AB) Planting requirements/point system: The developer may use any combination of plantings to obtain the necessary number of points required for the developed area. Different developed areas will lend themselves to different types of plantings. This article encourages creativity and diversity in landscaping. In no case, shall a mono-culture of plantings be allowed. A variation of plantings, at least three (3) different species, is required.

Each landscape plan must equal or exceed a minimum number of base points in order to obtain approval. The number of points required depends on the size of the
developed area (see Table 1). In order to obtain points, the plantings must be placed on
the developed property and not on the public right-of-way, without the approval of the
planning director in consultation with the public works department.

Table 1. Number of Points Required for the Site

<table>
<thead>
<tr>
<th>Square Footage of the Developed Area</th>
<th>Number of Points Required</th>
</tr>
</thead>
<tbody>
<tr>
<td>0–5,000 10,000</td>
<td>17.33 (+1.5 per parking space)</td>
</tr>
<tr>
<td>Greater than 5,000 10,000</td>
<td>17.33 points plus one point for each additional 300 square feet of developed area (+1.5 per parking space)</td>
</tr>
</tbody>
</table>

All designated outdoor storage, loading, or display areas, including, but not limited to
car lots, lumber yards, warehouses, home improvement centers, and loading docks, will
require an additional one (1) point per six hundred (600) square feet.

When only a portion of a large lot is developed (e.g. only one (1) acre of a ten (10)
acre lot), only the developed area shall be considered when determining the number of
points required.

Table 2. Point Values for Various Plantings

<table>
<thead>
<tr>
<th>Type of Plant Material</th>
<th>Minimum Size</th>
<th>Point Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Large tree</td>
<td>2.0 inches--2.5 inches caliper</td>
<td>11 per tree</td>
</tr>
<tr>
<td>Medium tree</td>
<td>1.25 inches--1.5 inches caliper</td>
<td>8 per tree</td>
</tr>
<tr>
<td>Understory tree</td>
<td>Single trunk: 1.25 inches--1.5 inches caliper</td>
<td>5 per tree</td>
</tr>
<tr>
<td></td>
<td>Multiple truck: 6 feet--8 feet in height</td>
<td>5 per tree</td>
</tr>
<tr>
<td>Plant Type</td>
<td>Minimum Requirements</td>
<td>Quantity/Unit</td>
</tr>
<tr>
<td>-----------------</td>
<td>--------------------------------------------------------------------------------------</td>
<td>---------------------</td>
</tr>
<tr>
<td>Coniferous tree</td>
<td>1.25 inches—1.5 inches caliper at 4 feet—5 feet initial height at planting</td>
<td>8 per tree</td>
</tr>
<tr>
<td>Shrub</td>
<td>24 inches at planting 2 gallon (established) minimum</td>
<td>1 per shrub</td>
</tr>
<tr>
<td>Ornamental grasses</td>
<td>Ornamental grasses 2 gallon (established) minimum</td>
<td>1 per plant</td>
</tr>
<tr>
<td>Groundcover</td>
<td>1 gallon minimum Per square foot of landscaped area. Sufficient quantity of plants to cover the entire landscape area within 3 growing seasons.</td>
<td>0.25 per square foot</td>
</tr>
<tr>
<td>Landscape berm</td>
<td>30 inches minimum height; 3 feet minimum length with a sufficient quantity of trees, shrubs or plants to equal 1 point per 10 square feet.</td>
<td>1.5 per 3 lineal feet</td>
</tr>
<tr>
<td>Turf Berm</td>
<td>30 inches minimum height. 3 feet minimum length, not to exceed 10% of total point requirements</td>
<td>.25 per 3 lineal feet</td>
</tr>
</tbody>
</table>

**Parking lot requirements:** All street-level parking lots shall be landscaped in accordance with the following requirements:

1. In addition to the number of base points required, one and one-half (1.5 1/2) additional points are required for each parking space proposed. These additional points may be achieved by planting parking lot trees and/or parking lot shrubs. For example, a ten thousand (10,000) square developed area with ten (10) parking spaces requires thirty-three (33) base points plus one and one-half (1.5 1/2) points per parking space. The total point requirement for this developed area is forty-eight (48); (thirty-three (33) base points and plus fifteen (15) parking lot points) designated as parking lot trees or parking lot shrubs.

2. On parking lots with less than twenty-four (24) parking spaces, parking lot trees/shrubs may be spaced around the perimeter of the lot as desired to provide...
a uniform and attractive design.

(3) On lots with more than twenty-four (24) parking spaces, landscaping shall be provided on parking lot islands and/or parking lot peninsulas within the confines of the developed parking lot at a ratio of one (1) landscaped island or peninsula per twenty-four (24) parking spaces. These plantings shall be located to minimize and break the expanse of asphalt and concrete. Each parking lot island or peninsula shall be equivalent in size to one (1) parking space.

(GD) Buffers and buffer zones: A developed area may be required to buffer certain portions of the development as provided for herein. If a developed area is required to buffer, the more stringent buffer requirements contained herein shall apply. Accumulation of minimum required landscaping points shall not reduce the requirements for any landscaped buffer as specified herein.

(1) Residential zone buffer: On any commercial, industrial, institutional, PUD, conditional use permit, or multi-family development (three (3) or more units), adjacent to a residential zoning district, a landscaped buffer along the property line(s) of the developing property is required. The buffer shall run the entire length of the abutting lot line(s). The type of buffer may consist of any combination of the following:

(a) A solid opaque fence not less that six (6) feet in height, and a six- (6) foot wide buffer of landscaped plantings located on the outside of the fence, not to exceed six (6) foot spacing between plants;

(b) A landscaped buffer no less than six (6) feet in width, planted with a series of evergreen plantings which will grow to at least six (6) feet in
height and spaced in a manner to provide an impervious visual barrier, not to exceed six (6) foot spacing between plants;

(c) A landscaped berm at least thirty (30) inches in height continuing the entire length of the abutting property line. A landscape credit of one point per three linear feet of for a landscaped berm may be claimed (per Table 1) in order to meet the point screening requirements for the developing property. Such berm must be planted with trees, and/or shrubs and/or plants in order to receive point credits satisfy buffer requirements. A berm planted exclusively in turf grass is not considered by itself sufficient to satisfy buffer requirements as required by this article.

(d) Natural, undisturbed forest at least twenty (20) feet in width that provides a nearly impervious visual barrier due to the dense nature of the plants and/or trees. If this option is chosen, the planning director shall determine whether the barrier is satisfactory through a site inspection prior to plan approval. Protective measures shall be provided during construction to ensure the area is protected from damage due to construction.

(2) Parking lot buffer: All parking lots shall be buffered with landscaping as follows:

(a) An area not less than four (4) feet in width shall be located between a parking lot and an adjacent property line of a non-residential zoning district. Such buffering shall not be required where an equivalent buffer exists on the adjoining property.
(b) A landscaped setback not less than twenty (20) feet shall be located between all parking lots and any public street right-of-way. Landscaped setbacks shall only be required for lots platted after the adoption of this article.

Section 5. Topeka City Code § 48-38.06, Existing tree credits, is hereby amended to read as follows:

Existing trees credits.

(A) Credits for existing trees: In order to encourage the preservation of existing trees, credits towards up to fifty percent (50%) of required base points may be given in the event existing trees are preserved.

(A) For each existing significant tree with a D.B.H. diameter caliper between six inches and ten twelve (12) inches that is preserved on the landscape plan, a credit of fifteen (15) base points will be applied. For each existing significant tree with a D.B.H. between twelve (12) inches and twenty-four (24) inches, a credit of twenty (20) base points will be applied. For each existing significant tree with a D.B.H. over twenty-four (24) inches, a credit of twenty-five (25) base points will be applied. Any significant tree that dies during construction, or because of construction, must be replaced with a tree or trees of a similar species, or a species approved by the city forester, to equal or exceed the point value of the lost tree.

(B) Additional points required for removal of existing significant trees: Any existing significant trees removed from the site shall require additional base points above those calculated for the square footage of the developed area. For trees removed between six (6) inches and twelve (12) inches diameter caliper, an additional fifteen (15) base points
shall be required. For trees removed between twelve (12) inches and twenty-four (24) inches D.B.H., an additional twenty (20) base points shall be required. For any trees removed that are larger than twenty-five (25) inches D.B.H., an additional twenty-five (25) base points shall be required. If the planning director, in consultation with the city forester, determines that removal of any aforementioned significant trees will not be detrimental to the overall appearance of the development, some or all of these additional point requirements may be waived.

(BC) Trees for which a developer wishes to receive credit must be within the developed area, and incorporated into an overall landscape design.

Section 6. Topeka City Code § 48-38.07, Irrigation system credits, is hereby amended to read as follows:

Irrigation system credits.

In order to sustain the benefits of landscaped areas as required by this article, credits may be authorized if the developer provides an industry standard irrigation system. Credits may be authorized as follows:

(A) A maximum of 20 twenty percent (20%) of the total irrigated area may be deducted from the calculation of base points if developer installs an industry standard, permanent, underground irrigation system. Such deduction may be authorized only from the square footage of the area covered by the irrigation system.

(B) If an underground irrigation system is claimed for credit against the base point formula, installation and operation plans of the irrigation system must be submitted to the planning director for approval.

(C) Credits authorized for irrigation systems shall not reduce the requirements for
residential zone buffers or parking lot buffers as established by this article.

Section 7. Topeka City Code § 48-38.08, Stormwater best management practice credits, is hereby amended to read as follows:

Stormwater best management practice credits.

Credits may be authorized up to 20 twenty percent (20%) when stormwater best management practices are incorporated into the landscape plan, subject to the approval of the water pollution control division, City of Topeka. Such practices shall adhere to recognized principles of stormwater drainage engineering and consists of but are not limited to:

Bioretention systems
Open vegetated channels
Filter strip
Dry and wet swales
Detention systems
Retention/wetland systems
Stream buffers

A point value of credit for stormwater best management practices shall be established by separate resolution of the City of Topeka.

Section 8. Topeka City Code § 48-38.09, Enforcement, is hereby amended to read as follows:

Enforcement.

Enforcement of these regulations shall be subject to the authority granted to the City of Topeka zoning administrator as established in City of Topeka Code § 48-1.11 of the
Comprehensive Zoning regulations.

The owner is responsible for all maintenance and upkeep of planted materials trees in perpetuity within his/her development. Failure by the developer and/or owner to comply with the applicable provisions of the article on landscape requirements shall cause the developer and/or owner to be ineligible for any additional building permits. No additional building permits shall issue until the developer and/or owner has complied with the this article or made arrangements satisfactory to the planning director for compliance.

After all plantings are completed, the developer will schedule an inspection of the plantings with the planning department and landscaping installer. If all plantings are in good condition and properly meet the requirements of the landscape plan as required by this article, the planning department will issue a landscape certificate of completion to the developer and building official. **No certificate of occupancy shall be issued if the landscape certificate of completion has not been issued.** Notwithstanding the foregoing, if building construction is completed outside of the growing season, a temporary certificate of occupancy may be issued with the condition attached that the landscape certificate of completion must be issued prior to the end of the next growing season. Failure to obtain the landscape certificate of completion by the end of that growing season shall be sufficient grounds for revocation of the conditional certificate of occupancy.

If plantings are subsequently determined by the planning director to be damaged, in poor condition, diseased, or dead, the planning director may issue notice to the real property owner of record requiring maintenance and/or the replacement of plantings in order to bring the developed area into compliance with the approved landscape plan. If the required maintenance or replacement is not accomplished within one (1) growing season
which is considered to begin May 10 March 1 and end October 15 November 15, the
planning director on behalf of the city shall cause the required maintenance or replacement
of plantings to be accomplished and cost thereof shall be assessed against the real
property as a service assessment.

Section 9. Topeka City Code § 48-38.11, Size and quality requirements, is hereby
amended to read as follows:

Size and quality requirements.

(1) Any large tree planted to meet minimum requirements of this article shall
have at least a two (2) inch to two and one-half (2 1/2) inches diameter caliper. Any
medium tree, under-story tree, or coniferous tree planted to meet minimum requirements of
this article shall have a diameter caliper of one and one-quarter (1 1/4) inches to one and
one-half (1 1/2) inches, except that multi-stemmed under-story trees shall be between six (6)
and eight (8) feet in height. Deviations from the recommended tree list may be approved
through a written request to the city forester.

(2) All trees planted to meet the minimum requirements of this article shall be in
a healthy condition at the time of planting.

(3) Shrubs planted to meet the minimum requirements of this article shall be at
least 12 inches in height at the time of planting a minimum of an established two (2) gallon
container.

(4) Grass shall be planted in such a manner as to completely cover all exposed
soil after one (1) full growing season.

(5) No bare ground shall be left exposed. Grass or other groundcover or mulch,
such as pine straw or tree bark, shall cover all bare ground.
(6) Irrigation is not required but is recommended.

(7) Any planting that dies shall be replaced within one (1) full growing season.

Section 10. Topeka City Code § 48-38.12, Recommended species, is hereby amended to read as follows:

**Recommended species.**

(A) *Trees*: The following is a list planning department with the advice of the city forester shall maintain a list of recommended trees, shrubs, perennials, ornamental grasses, and groundcover for fulfillment of the provisions of this article. Generally, these trees, shrubs, perennials, ornamental grasses, and groundcover are suitable for the City of Topeka's environment. The city forester shall determine the suitability of all species and cultivars thereof. Substitutions or additions to the list of recommended species shall only be made with the approval of the city forester. Additionally, the city forester shall determine the point values for plantings not listed.

1. Understory or Ornamental Trees:

   (25 feet tall or less)

   1.25 inches—1.5 inches diameter caliper: 5 points

   a. Japanese Whispire Birch

   b. Ornamental Pear (Aristocrat or Capital)

   c. Redbud

   d. Smoketree

   e. Flowering Crabapple

   f. Chinese Fringetree

   g. Magnolia (Little Girl Hybrids or Royal Star)
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<tbody>
<tr>
<td>359</td>
<td>h.</td>
<td>Japanese Maple</td>
<td></td>
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<tr>
<td>360</td>
<td>i.</td>
<td>Amur Maple (Flame or Autumn Blaze)</td>
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<tr>
<td>361</td>
<td>j.</td>
<td>Whitebud</td>
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<tr>
<td>362</td>
<td>k.</td>
<td>&quot;Forest Pansy&quot; Redbud</td>
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<tr>
<td>363</td>
<td>l.</td>
<td>&quot;Oklahoma&quot; Redbud</td>
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<tr>
<td>364</td>
<td>m.</td>
<td>Thornless Cockspur Hawthorne</td>
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<td>365</td>
<td>n.</td>
<td>Flowering Dogwood</td>
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<td>366</td>
<td>o.</td>
<td>Japanese Tree Lilac</td>
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<td>367</td>
<td>p.</td>
<td>American Hornbeam</td>
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<td>368</td>
<td>q.</td>
<td>American Hop hornbeam</td>
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<td>369</td>
<td>r.</td>
<td>Parrotia</td>
<td></td>
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<tr>
<td>370</td>
<td>s.</td>
<td>Serviceberry</td>
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<tr>
<td>371</td>
<td>t.</td>
<td>Goldenraintree</td>
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</tbody>
</table>

| 372 | 2. | Medium Shade Trees: |
| 373 |   | (25 feet–45 feet tall) |
| 374 | | 1.25 inches–1.5 inches diameter caliper: 8 points |
| 375 | a. | Zelkeva |
| 376 | b. | Sweetgum |
| 377 | c. | Red Maple |
| 378 | d. | Shantung Maple |
| 379 | e. | Sugar Maple |
| 380 | f. | White Ash |
| 381 | g. | River Birch |
h. Honeylocust

i. Linden-

j. Cypress-

k. Blackgum-

l. Buckeye-

m. Catalpa-

n. Lacedbark-Elm-

o. Horsechestnut-

p. Korean-Mountain-Ash-

q. Japanese-Pagodatree-

r. Yellowwood

s. Norway-Maple-

t. Autumn-Blaze-Maple-

3. Large-Canopy-Trees:-

(45-feet-tall or greater)

2.0-inches—2.5-inches-diameter-caliper:— 11-points

a. Kentucky-Coffeetree-

b. Ginkgo

c. English-Oak

d. Chinkapin-Oak

e. Red-Oak

f. Sawtooth-Oak
Shingle-Oak
Swamp-White-Oak
Londonplane Tree
Hackberry
Burr-Oak
White-Oak
Willow-Oak
Walnut
Tuliptree

Coniferous Trees: 8-points

Upright-Juniper
Eastern-Red-Cedar
Eastern-White-Pine
Limber-Pine
Southwestern-White-Pine
Norway-Spruce-
White-Spruce
Serbian-Spruce

Barberry
Boxwood
Burning Bush
Butterfly-Bush
5. Cotoneaster
6. Dogwood
7. Forsythia
8. Holly
9. Hydrangea
10. Lilac
11. Mahonia
12. Pyracantha
13. Serviceberry
14. Spirea
15. Viburnum
16. Weigela
17. Althea-Azalea
18. Bayberry
19. Buckthorn
20. Chokeberry
21. Euonymus
22. Hypericum
23. Juniper
24. Privet
25. Quince
26. Sumac
27. Sweetspire
28. Yew-
29. Keria
30. Potentilla-
3. Ornamental Grasses:
1. Blue Fescue
2. Bluestem
3. Moor Grass
4. Northern Sea Oats
5. Pampas Grass
6. Reed Grass
7. Ribbon Grass
8. Sedge
9. Silver Grass
10. Switch Grass
11. Feather Reed Grass
12. Fountain Grass
13. Maiden Grass
14. Indian Grass
15. Silver Grass

D. Groundcovers:

1. Ajuga
2. Euonymus
3. Ivy
474  4. Liriope
475  5. Vinca-Minor
476  6. Bishops-Weed
477  7. Leadwort
478  8. Pachysandra
479  9. Sedum
480 10. Honeysuckle-
481 11. Creeping-Mahonia
482 12. Creeping-Wintergreen

483 **Section 11.** That original City of Topeka Code §§ 48-38.01, 48-38.02, 48-38.04,
484 48-38.05, 48-38.06, 48-38.07, 48-38.08, 48-38.09, 48-38.11, and 48-38.12 are hereby
485 specifically repealed.

486 **Section 12.** This Ordinance shall take effect and be in force from and after its
487 passage, approval and publication in the official City newspaper.

488 PASSED and APPROVED by the City Council **JUN 02 2004**
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ATTEST:

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APPROVED AS TO FORM AND LEGALITY
DATE 4/1/04 BY B3c
TO BE CODIFIED X
NOT TO BE CODIFIED

Iris E. Walker, City Clerk