

ARTICLE 10 TREE PROTECTION AND LANDSCAPING

Section 1001. Purpose and Intent.

Trees improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for desirable wildlife, moderate the climate, and enhance community image and property values. Therefore, it is the intent of these regulations to encourage the protection and provision of trees through sound, responsible land development practices. Landscaping enhances a community's environmental and visual character and improves the overall quality of life. Vegetation can also improve air and water quality, reduce soil erosion, reduce noise and glare, provide habitat for wildlife, moderate the climate, and enhance property values, thus protecting the health, safety, and welfare of the community.

It is the purpose of this article to provide environmentally sound landscape amenities and buffers which promote a positive community image by promoting quality development, enhancing property values, providing for landscape improvements in the city, and promoting orderly growth and aesthetic quality in the city. It is also the intent to promote a healthy, natural environment whenever possible by protecting and enhancing existing vegetation.

This article also establishes standards for buffers and landscape strips. Buffers between two incompatible uses minimize harmful impacts such as transmission of noise, dust, and glare. Buffers can also lessen visual pollution, establish a greater sense of privacy from visual or physical intrusion, and thus protect the public health, safety, and welfare of the community.

Section 1002. Definitions.

Berm: An earthen mound or embankment, usually two to six feet in height, designed to provide visual interest, screen views, reduce noise, or fulfill other such purposes.

Deciduous: A plant with foliage that is shed annually.

Diameter Breast Height (dbh): The standard measure of tree size for those trees existing on a site that are at least four (4) inch caliper at a height of four and one-half (4.5) feet above the ground. If a tree splits into multiple trunks below four and one-half (4.5) feet, then the trunk is measured at its most narrow point beneath the split.

Evergreen: A plant with foliage that persists and remains green year-round.

Ground Cover: Living material planted in such a way as to form a sixty (60) percent or more ground cover at the time of planting and a continuous cover over the ground that can be maintained at a height of not more than eighteen (18) inches.

Hedge: An evenly spaced planting of shrubs that forms a compact, dense, visually opaque living barrier. Hedges inhibit passage or obscure views.

Landscaping: Any combination of living plants, such as trees, shrubs, vines, ground covers, flowers, or grass, and which may include natural features such as rock, stone, bark chips or shavings, and structure features, including but not limited to fountains, pools, outdoor artwork, screen walls, fences, or benches.

Landscape Plan: A graphic and written document containing criteria, specifications and detailed plans to arrange and modify the effects of natural features. A landscape plan consists of a site plan showing the boundaries of the property and the location of proposed plant materials, in relation to surroundings and improvements, along with a planting schedule and any additional specifications required by the Zoning Administrator.

Natural Area: An area containing natural vegetation that will remain undisturbed when the property is fully developed.

Revegetation: The replacement of trees and landscape plant materials.

Screen. A method of reducing the impact of noise and unsightly visual intrusions with plants, berms, fences, walls, or any appropriate combination thereof, to provide a less offensive or more harmonious environment in relation to abutting properties.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground, and generally obtaining a height less than eight (8) feet; a shrub may be deciduous or evergreen.

Tree: Any self-supporting, woody perennial plant usually having a single trunk diameter of three (3) inches or more that normally attains a mature height of a minimum of fifteen (15) feet.

Woodland: A tract of land or part thereof dominated by trees but usually also containing woody shrubs, grasses, and other vegetation.

Section 1003. Tree Protection During Development.

1003.1 Applicability. The terms and provisions of this section shall apply to any activity that requires the issuance of a land disturbance or development permit, with the exception of lots less than one acre in size. No land disturbance or development permit shall be issued until it is determined that the proposed development is in conformance with the provisions of this Article.

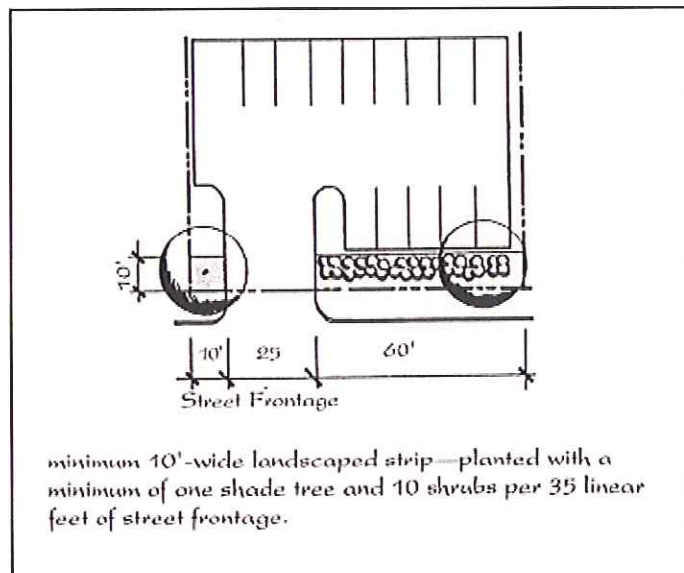
1003.2. Tree Save Areas. All buffers with existing trees that may be required by this code or provided by a development shall be delineated on plans as tree save areas, unless the applicant clearly demonstrates the need for disturbance.

1003.3. Protection of Trees During Construction. Developers shall make all reasonable efforts to protect retained trees during the construction process, including but not limited to the following measures: (1) placing protective barriers around trees, and marking such areas with "tree save area" signs; (2) not grading, excavating, or locating utilities near the root zones of trees. Tree protection devices shall be installed prior to the issuance of a land disturbance or development permit for any clearing and/or grading. Tree protection shall consist of chain link fencing, orange laminated plastic fencing supported by posts, rail fencing, or other equivalent restraining material. Tree protection devices shall remain in functioning condition throughout all phases of development and shall be subject to inspection by the Zoning Administrator.

Section 1004. Landscaping Requirements.

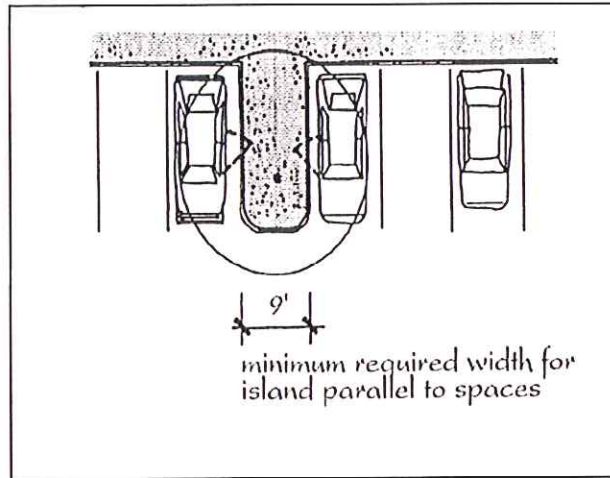
Developers of new, nonresidential buildings shall provide landscaping within landscape strips along the property frontage and along side property lines as may be required by this ordinance.

1004.1. Front landscape strips. The following planting specification shall apply to all landscape strips adjacent to the right-of-way of a public or private street as may be required by this ordinance. The landscape strip requirement shall not apply to vehicle access areas, pedestrian sidewalks, or trails but shall not include any other paved surfaces. The minimum 10-foot wide landscape strip shall be planted with a minimum of one shade tree and 10 shrubs per 35 linear feet of street frontage, excluding vehicle access areas (driveway openings), pedestrian sidewalks, or trails.



1004.2. Side Landscape Strips. Along all property lines not abutting a street right-of-way, or along the perimeter of the developed portion of the lot in case the development does not extend to a property line, parking lots subject to the requirements of this subsection shall include a perimeter landscape strip at least five (5) feet wide. The landscape strip requirement shall not apply to vehicle access areas, pedestrian sidewalks, or trails but shall not include any other paved surfaces. Within the perimeter landscape strip, the applicant shall install one (1) tree and three (3) shrubs for each 35 linear feet of property boundary along the perimeter to which the side landscape strip applies, unless the Zoning Administrator approves the use of existing woodlands or other vegetation as meeting the intent of this Section.

1004.3. Parking Lot Interior Landscaping. Interior lot landscaping shall be required for any parking lot with twenty (20) or more spaces. An interior parking lot landscape island at least nine (9) feet wide and at least 150 square feet in area shall be provided for every ten (10) spaces in each row of parking spaces abutting the perimeter or within the interior of the parking lot. Within each interior parking lot landscape island, a minimum two-inch (2") caliper tree shall be required to be planted.



Section 1005. Screening and Buffer Specifications.

Screening shall be established within all buffers that are required by this ordinance along side and rear lot lines. Landscaping shall be used whenever possible to screen objectionable views or nuisances, such as service areas, refuse containers, air conditioning units, transformers, etc.

All required screening shall consist of shrubs and/or trees but may be supplemented with walls, fences, or earth berms. Screening shall be of such nature and density to screen activities on the lot from view from the normal level of a first story window on an abutting lot and shall provide year-round maximum opacity from the ground to a height of at least six (6) feet. Trees and shrubs shall be installed to not only provide maximum opacity, but to allow for proper plant growth and maintenance.

To achieve maximum opacity within buffers, the following alternatives, or combination thereof, shall be considered by the applicant and applied, subject to the approval of the Zoning Administrator:

- (a) Six-foot-high evergreen screening shrubs planted four (4) feet on center.
- (b) Tall evergreen trees stagger planted with branches touching ground.
- (c) Combination of small shrubs planted thirty inches (30") on center, small trees planted thirty (30) feet on center, and large trees planted forty (40) feet on center.
- (d) Six-foot (6') high masonry wall.

In selecting materials and the size of plantings to be installed, the applicant and the Zoning Administrator shall consider the purpose of the landscape and the required materials shown in Table 10.1:

Table 10.1 Landscaping Purposes and Materials

Purpose	Materials
Very dense sight barrier	Evergreen trees, sight-obscuring fence
Visual separation between uses	Evergreen and deciduous trees, shrubs
Visual separation of uses	Evergreen and deciduous trees, shrubs, berms
Provide visual relief	Ground covers and shrubs lower than 36 inches
Visual relief/shade in parking areas	Trees, ground cover, decorative mulch, pavers

Section 1006. General Provisions.

1006.1. Visibility. Landscaping shall not restrict visibility of motorists or pedestrians (e.g., tall shrubs or low-lying branches of trees).

1006.2. Clearance. Trees must have a clear trunk at least six (6) feet above finished grade to allow a safe clearance beneath the tree.

1006.3. Curb Stops. A curb or wheelstop shall be provided along interior parking lot landscape islands, perimeter landscape strips, and landscapes adjacent to street rights-of-ways, to prevent cars from encroaching on trees, shrubs, and landscapes, as approved by the Zoning Administrator.

Section 1007. Landscape Plan.

A landscaping plan approved by the Zoning Administrator shall be required prior to the issuance of a land disturbance, development, or building permit to demonstrate compliance with the provisions of this Article. The landscape plan shall be based on an accurate boundary survey of the site or reasonable property description and shall include the following:

- (a) Location and general type of existing vegetation;
- (b) Existing vegetation to be saved;
- (c) Methods and details for protecting existing vegetation during construction;
- (d) Locations and labels for all proposed plants and a plant list or schedule showing the proposed and minimum required quantities;
- (e) Location and description of other landscape improvements, such as earth berms, walls, fences, screens, sculptures, fountains, street furniture, lights, and courts or paved areas;

Approval of all landscaping and other materials by the Zoning Administrator shall be required. The following general guidance is provided. The use of native plants as landscaping materials is encouraged wherever possible. Invasive or potentially invasive plants are not permitted. However, well-mannered non-native plants are acceptable if they are not considered invasive. Existing tree cover and natural vegetation shall be preserved, whenever possible, or replaced with suitable vegetation. Ground cover(s) should be used to supplement landscaping in appropriate areas to reduce the need for extensive grass lawns, which would require regular watering in drought conditions. Grass areas shall be sodded. However, if grass seed must be used, it shall be a variety suitable to the area that produces complete coverage. No artificial plants, trees, or other vegetation shall be installed.

Section 1008. Landscape Maintenance and Landscape Bond.

The owner, occupant, tenant, and respective agent of each, if any, shall be jointly and severally responsible for the maintenance and protection of all landscaping required to be installed pursuant to this Article. Prior to issuance of a certificate of occupancy, the developer or owner

may be required to post a performance bond or cash escrow guaranteeing all landscaping materials and work for a period of two (2) years after approval or acceptance thereof by the city in a sum established by the Zoning Administrator. The bond if required will be in the amount of 100 percent of the estimated cost of replacing all of the landscaping required by these specifications, unless otherwise specified by the Zoning Administrator. At the end of two years, the Zoning Administrator shall make an inspection and notify the owner or developer and the bond company of any corrections to be made. If no maintenance is required, or if maintenance is provided by said responsible party, the Zoning Administrator shall release the bond.