

ARTICLE 4

COMMUNITY APPEARANCE, BUFFERING, LANDSCAPING, SCREENING AND TREE PROTECTION REGULATIONS

The regulations contained in this Article are intended generally to promote land use compatibility between uncomplimentary and incompatible land uses, create an aesthetically pleasing environment and maximize the retention of trees, a valuable natural resource.

Section 4.1 Buffer Areas

Section 4.1-1 Definition

A buffer area is a unit of yard, together with plantings, fences, walls, and other screening devices required thereon.

Section 4.1-2 Purpose

The purpose of a buffer area is to ameliorate any potential adverse impact between adjacent land uses and streets, and promote land use compatibility.

Section 4.1-3 Location

Buffer areas shall be located on the outer perimeter of a lot or parcel, extending to the lot or parcel boundary line. For purposes of complying with this section, they shall not be located on any portion of an existing street or right-of-way; however, they may occupy part or all of any required front, side or rear yard setback. Where specified by this section, buffer areas and/or buffer area structures shall be developed as an integral part of the proposed use.

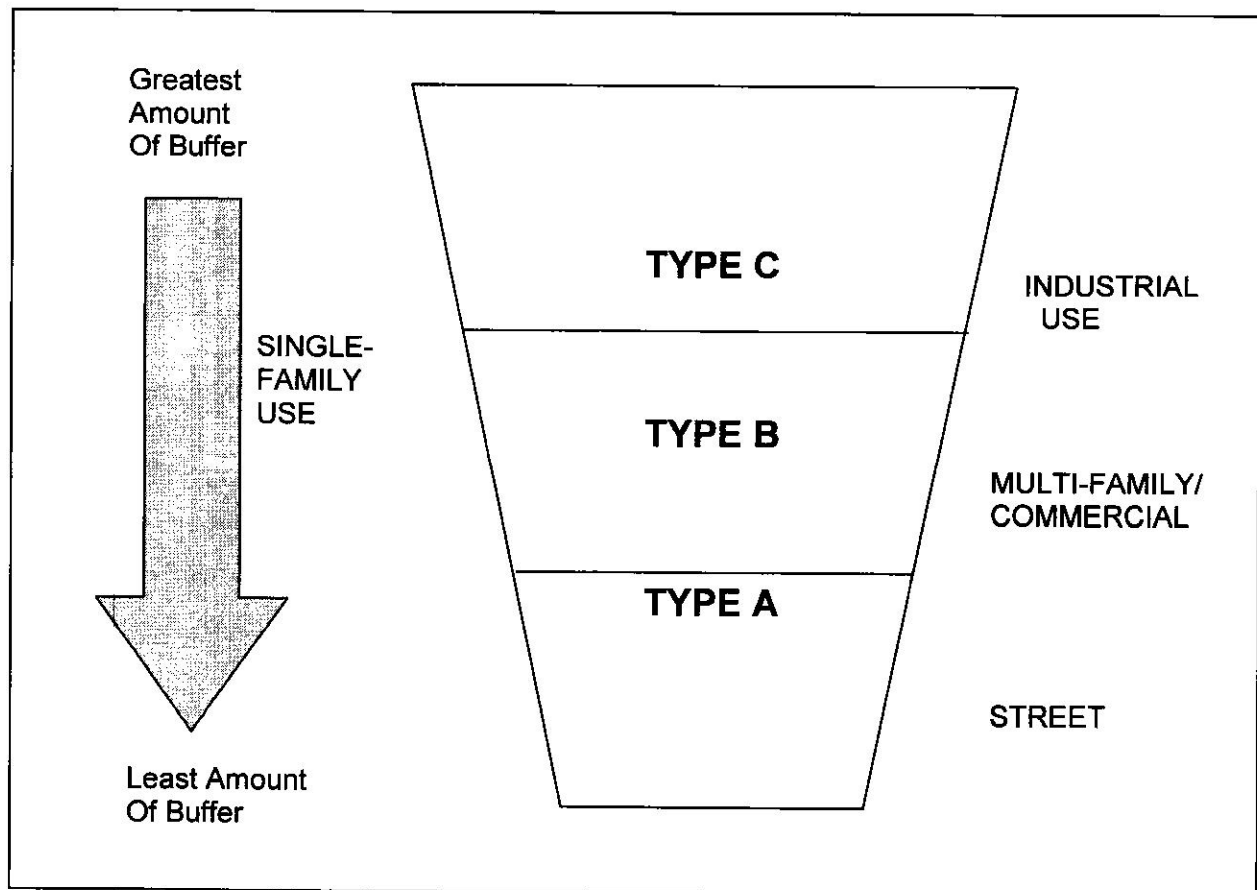
Section 4.1-4 Determination of Buffer Area Requirements

Buffer Areas shall be required under the following circumstances.

- (1) **Type A Buffer Area Required.** Wherever a Multi-family building or non-residential use is proposed, a Type A buffer

area shall be provided along the street right-of-way boundary of the proposed use, separating it from the adjoining street, except for driveways and uses in the GC-1 District.

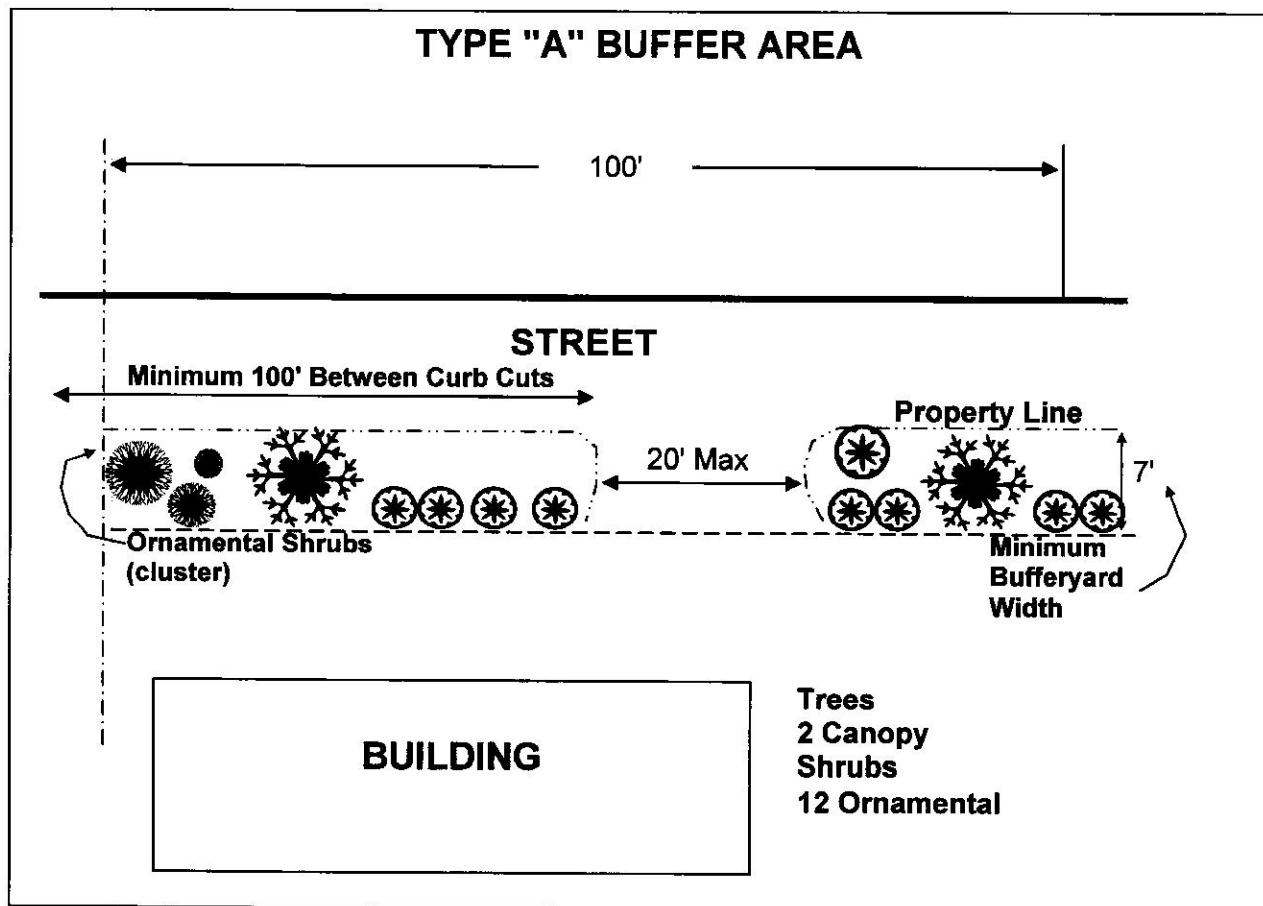
- (2) **Type B Buffer Area Required.** Wherever a Multi-family building, institutional or commercial use is proposed for a site or lot adjoining a single-family residential dwelling in the RS or RG Districts, with no intervening street, a Type B Buffer Area shall be provided along the boundary of the adjoining residential property line.
- (3) **Type C Buffer Area Required.** Wherever an industrial, warehouse, or related use is proposed for a site or lot adjoining any residential use in the RS or RG Districts with no intervening street, a Type C Buffer Area shall be provided along the boundary of the adjoining residential property line.



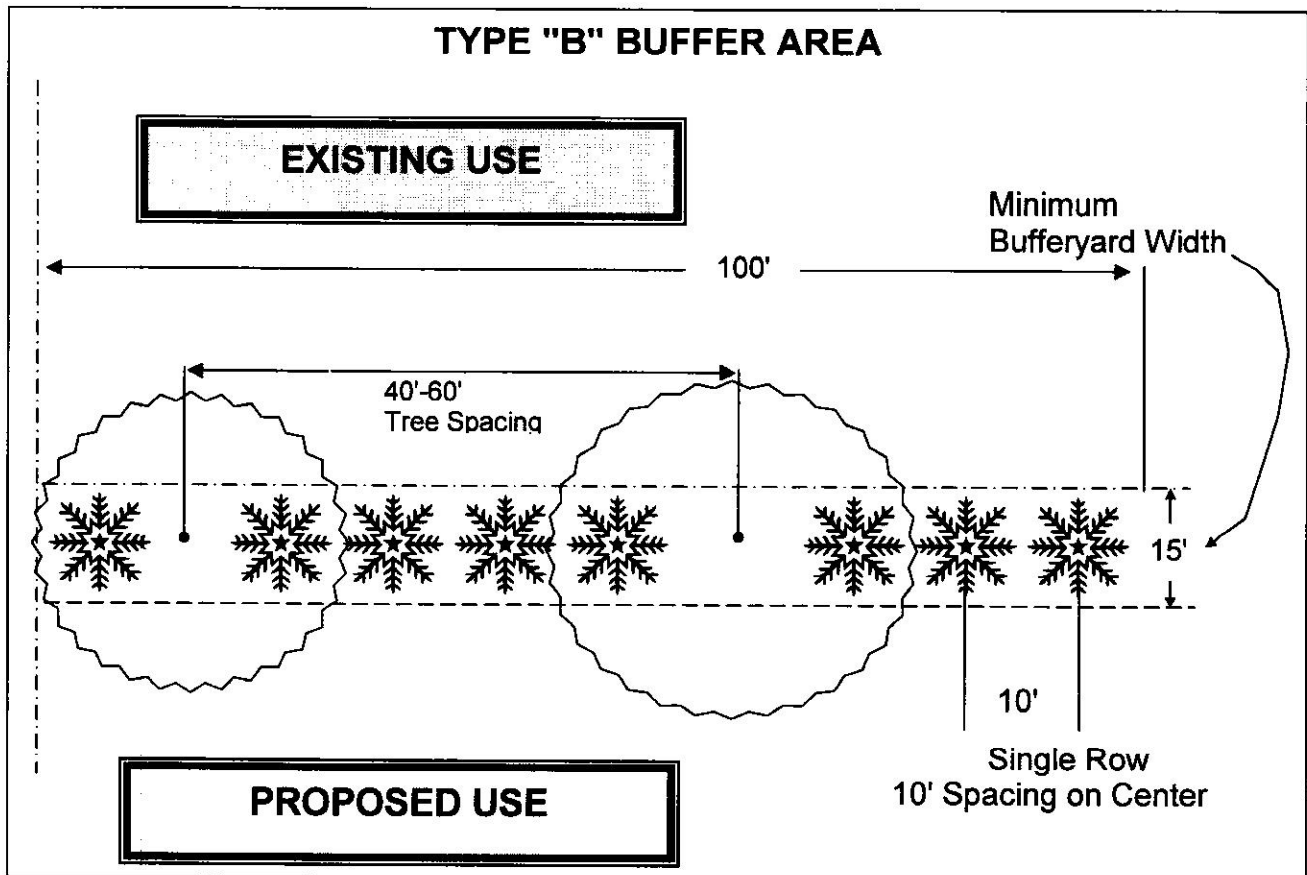
Section 4.1-5 Design Standards

Three types of buffer areas are required by this Ordinance, Type A, Type B, and Type C. A description of each follows:

- (1) **Type "A" Buffer Area.** The Type A Buffer Area consists of low density landscaping and minimal acceptable separation between uses. The buffer area shall be not less than seven (7) feet in width. Per 100 lineal feet of frontage, the buffer area shall consist of a combination of not less than 12 ornamental shrubs, two understory trees and landscaped grass areas, or other appropriate ground cover. The shrubs may be clustered to ensure their survival. The following diagram illustrates an example site plan.

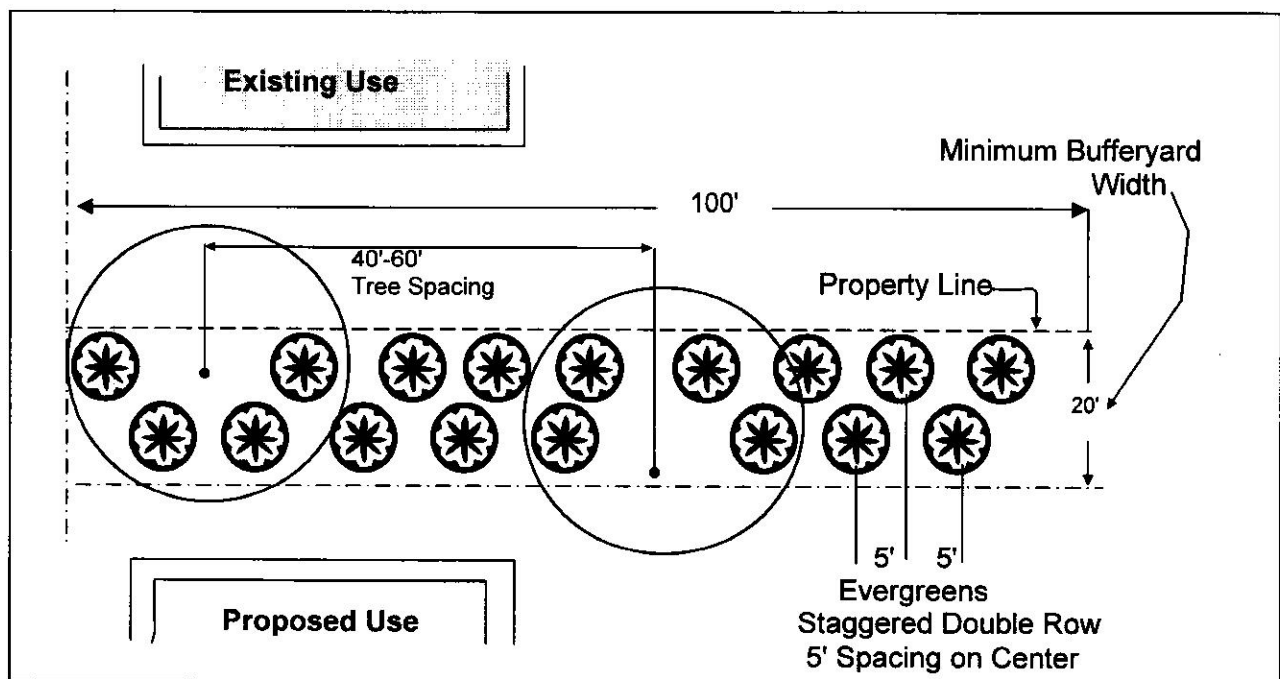


- (2) **Type "B" Buffer Area.** The Type B Buffer Area is a medium density screen intended to block visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 15 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 8 evergreen plants 10 feet on center. The following diagram illustrates an example site plan.



- (3) **Type "C" Buffer Area.** The Type C Buffer Area is a high-density screen intended to exclude all visual contact between uses and to create spatial separation. The buffer area shall be a minimum width of 20 feet. Per 100 lineal feet the screen shall consist of a combination of 2 deciduous trees planted 40 to 60 feet on center and 17 evergreen plants or understory trees planted in a double-staggered row 10 feet on center. The following diagram illustrates an example site plan.

TYPE "C" BUFFER AREA



Section 4.1-6 Buffer Area Specifications

- (1) **Minimum Installation Size.** At installation or planting, all evergreen (understory) trees and/or shrubs used to fulfill buffer area requirements shall be not less than 6 feet in height, and all deciduous (canopy) trees shall be not less than 8 feet in height, except for ornamental shrubs for Type A Buffer Areas.
- (2) **Minimum Mature Size.** At maturity, evergreen plant material used for screening shall form a continuous opaque screen averaging 10 feet in height, and deciduous plant material used for screening shall average 25 feet in height.

- (3) **Staggered Planting.** Where required, evergreen and deciduous plant material shall be planted in at least two rows and in an alternating fashion to form a continuous opaque screen of plant material.

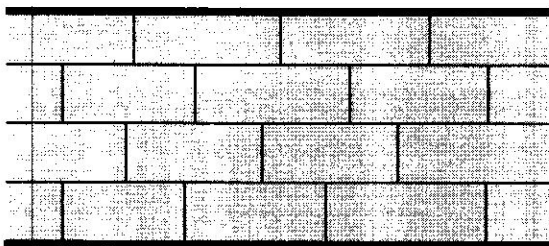
Section 4.1-7 Substitutions

The following substitutions shall satisfy the requirements of this section:

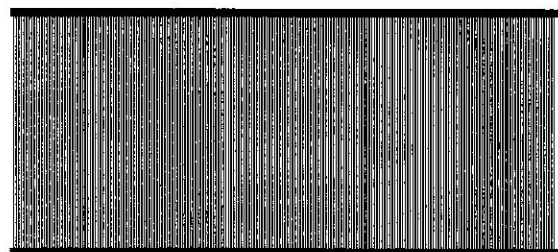
- (1) **Existing Plant Materials.** Existing trees of 4 inches DBH (Diameter Breast High) or more in diameter, within the required buffer area may be included in the computation of the required buffer area planting, with approval of the Zoning Administrator.
- (2) **Fence or Wall.** Where, owing to existing land use, lot sizes or configurations, topography, or circumstances peculiar to a given piece of property, the buffer area requirements of this section cannot reasonably be met, the developer(s) may request and the Zoning Administrator may approve the substitution of appropriate screening, in the way of a fence or wall structure along the property line of the proposed use in accord with the provisions of this Section.

An eight-foot fence or wall, as illustrated below, may be substituted for a Type "B" or "C" Buffer Area.

Fence and Wall Illustrations



Masonry Wall



Wood Stockpile

All fences and walls used as part of the buffer area requirements must have a finished side that is facing adjoining property. The interior side of the fence or wall may be finished, as owner deems appropriate. Chain link fences with or without slats are not an acceptable substitute and not permitted as such.

Section 4.1-8 Responsibility

It shall be the responsibility of the proposed new use to provide the buffer area where required by this Ordinance, except that no new detached single-family dwelling or duplex shall be required to provide such buffer area.

Section 4.1-9 Required Maintenance

The maintenance of required buffer areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to ensure continued buffering. All planted areas shall be provided with an irrigation system or a readily available water supply to ensure continuous healthy growth and development. Dead trees shall be removed; debris and litter shall be cleaned; and berms, fences, and walls shall be maintained at all times. Failure to do so is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.1-10 Use of Buffer Areas

A buffer area may be used for passive recreation; however no plant material may be removed. All other uses are prohibited, including off-street parking.

Section 4.2 Landscaping

Section 4.2-1 Definition

Landscaping is a type of open space permanently devoted and maintained for the growing of shrubbery, grass, other plants and decorative features to the land.

Section 4.2-2 Purpose.

The purpose of landscaping is to improve the appearance of vehicular use areas and development abutting public rights-of-way; to protect, preserve, and promote the aesthetic appeal, scenic beauty, character and value of land; and to promote public health and safety through the reduction of noise pollution, storm water run off, air pollution, visual pollution, and artificial light glare.

Section 4.2-3 Where Required.

No proposed commercial, institutional, industrial or other non-residential use, multi-family or off-street parking lot containing 15 or more spaces shall hereafter be established and subsequently used unless landscaping is provided in accord with the provisions of this section. No existing building, structure or vehicular use area shall be expanded or enlarged by 50 percent or more unless the minimum landscaping required by the provisions of this section is provided throughout the building site. Enlargements involving less than 50 percent shall meet the minimum requirements of the enlargement only. Landscaping is not required for existing uses, nor is it required for uses in the GC-1 District.

Section 4.2-4 Landscaping Plan.

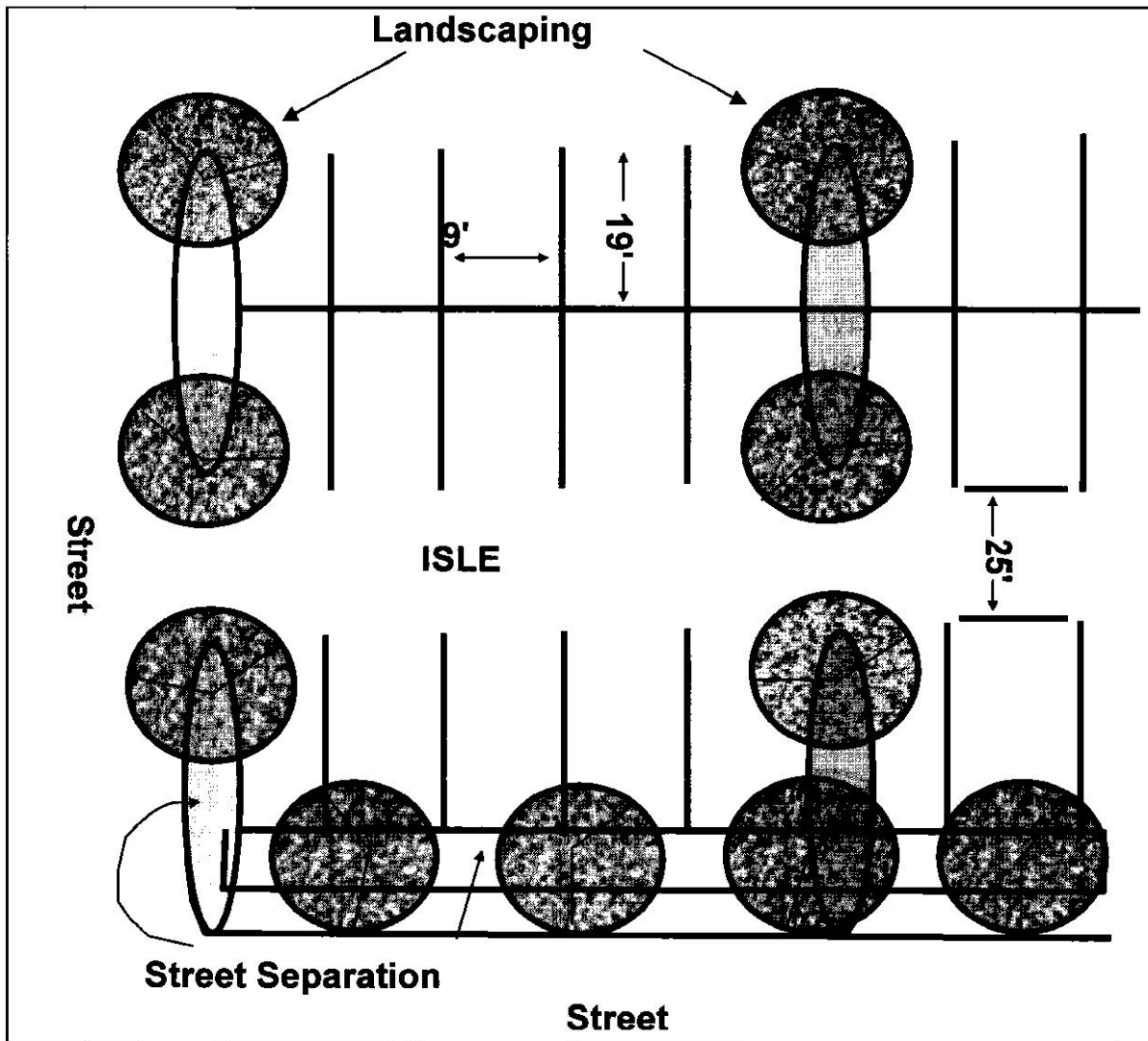
A landscaping plan shall be submitted as part of the application for a building permit. The plan shall:

- (1) Designate areas to be reserved for landscaping. The specific design of landscaping shall be sensitive to the physical and design characteristics of the site.
- (2) Indicate the location and dimensions of landscaped areas, plant materials, decorative features, etc.
- (3) Identify all existing trees 10" DBH (Diameter Breast High).

Section 4.2-5 Landscaping Requirements.

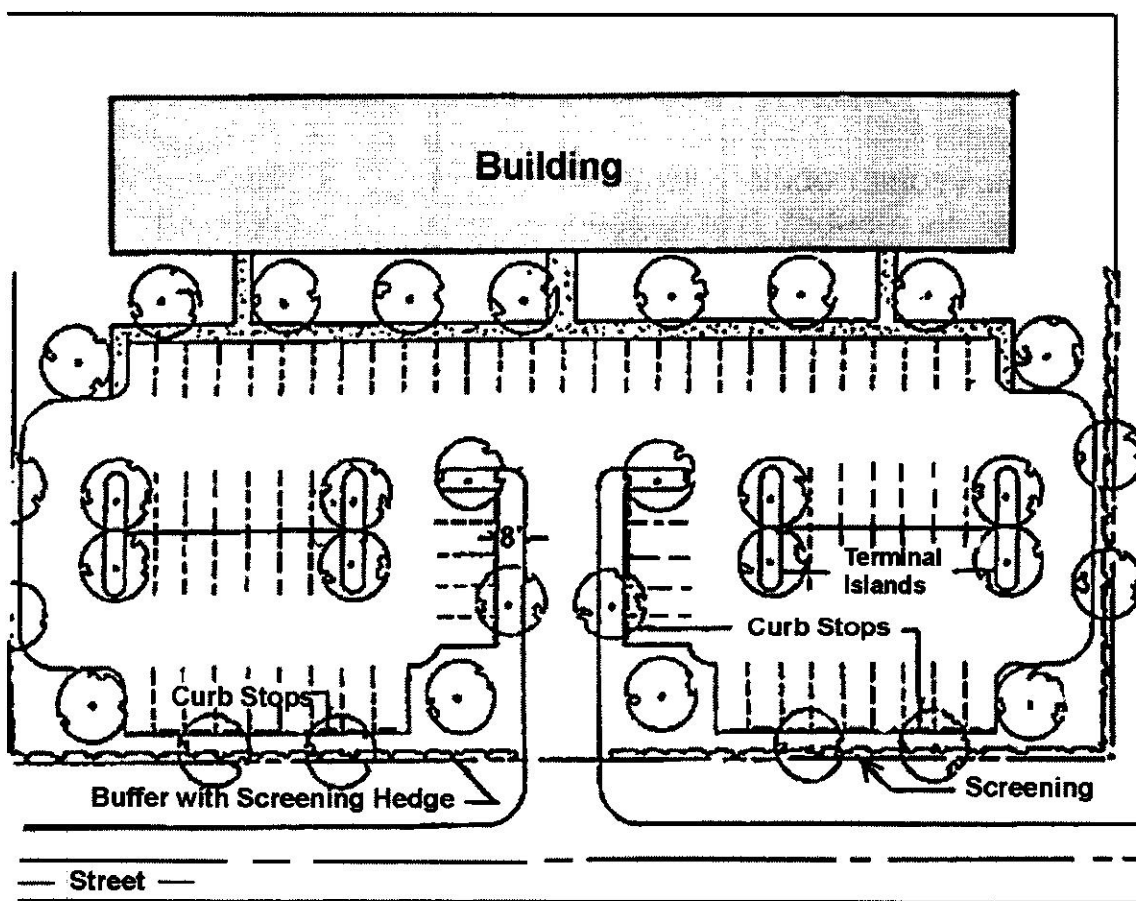
Required landscaping shall be provided as follows:

- (1) **Along the outer perimeter of a lot or parcel**, where required by the buffer area provisions of this Article to buffer and separate incompatible land uses. The amount specified shall be as prescribed by **Section 4-1, Buffer Areas**.
- (2) **Within the interior**, peninsula or island type landscaped areas shall be provided for any open vehicular use area containing 15 or more parking spaces. Landscaped areas shall be located in such a manner as to divide and break up the expanse of paving and at strategic points to guide travel flow and directions. Elsewhere, landscaped areas shall be designed to soften and complement the building site and separate the building from the vehicular surface area, and the vehicle surface area from adjacent property.



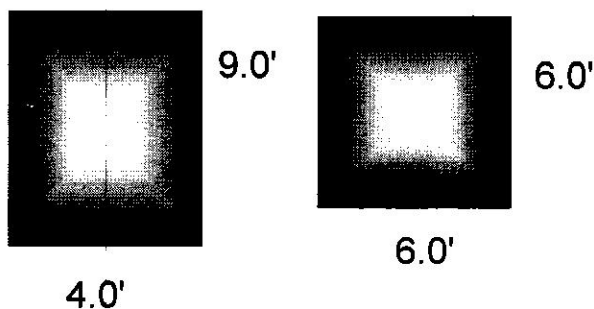
At a minimum, interior lot landscaping shall include canopy trees liberally distributed throughout to provide shading and reduce air temperatures. Landscaping shall be provided in the following amounts:

<u>Use</u>	<u>% of Lot</u>
Institutional	18%
Industrial/wholesale/storage	12%
Office	15%
Commercial-retail-service	10%
Multi-family Projects	25%



Section 4.2-6 Landscaped Areas

- (1) All landscaped areas in or adjacent to parking areas shall be protected from vehicular damage by a raised concrete curb or an equivalent barrier of six inches in height. The barrier need not be continuous.
- (2) Landscaped areas must be at least 36 square feet in size.



Section 1.1-1 Required

Maintenance

The maintenance of required landscaped areas shall be the responsibility of the property owner. All such areas shall be properly maintained so as to assure their survival and aesthetic value, and shall be provided with an irrigation system or a readily available water supply. Failure to monitor such areas is a violation of this Ordinance, and may be remedied in the manner prescribed for other violations.

Section 4.3 Tree Protection

Section 4.3-1 Purpose

The purpose of this section is to protect and sustain the intrinsic value of trees and their ability to promote the public health, safety and general welfare, to lessen air pollution, to increase air filtration, to reduce noise, heat and glare, to prevent soil erosion, to aid in surface drainage and minimize flooding, and to beautify and enhance the environment.

Section 4.3-2 Protected Trees

Any tree, except a pine tree, measuring 10" DBH (Diameter Breast High) shall constitute a "significant tree" for purposes of this section and shall be protected to the extent practical and feasible. To this end, no person, firm, organization, society, association or corporation, or any agent or representative thereof shall directly or indirectly destroy or remove any tree in violation of the terms of this section.

Section 4.3-3 Tree Survey

Prior to grading or clearing a lot or parcel for development and the issuance of a building permit, the developer/owner applicant shall have conducted a tree survey identifying the location of all significant trees. Said trees shall be shown on a survey plat and physically marked with brightly colored tape or other markings.

Section 4.3-4 Site Design

The design of any land development project or subdivision shall take into consideration the location of all significant trees identified on the tree survey. Lot and site design shall minimize the need to fell such significant trees, of which no more than 25 percent may be removed to accommodate a proposed use or development.

The site design shall be presented on a site plan showing:

- (1) Existing location and size of all significant trees;
- (2) Trees to be removed;
- (3) Trees to be preserved;
- (4) Areas to be cleared; and
- (5) Areas for proposed structures and improvements.

Site plan approval by the Zoning Administrator shall be prerequisite to the issuance of a building permit.

Section 4.3-5 Tree protection and Replacement

- (1) **Prior to Development.** Where a building permit has not been issued, the destruction of any significant tree, as defined by this Ordinance, without prior approval of the Zoning Administrator, which approval shall not be unreasonably withheld, shall be prohibited.
- (2) **During Development.** During development, a minimum protective zone, marked by barriers, shall be established (erected) at the "drip line" and maintained around all trees to be retained as required by this section. There shall be no construction, paving, grading, operation of equipment or vehicles, or storage materials within this protected zone.

Section 4.3-6 Exceptions

Individually owned lots less than two acres in size.

Section 4.3-7 Significant Trees Removed Without Permits

Where significant trees have been removed or where removal is necessitated at any time due to acts of negligence, or where sites were cleared of significant trees in violation of this section, replacement trees shall be planted in accordance with a replacement schedule approved by the Zoning Administrator, who shall specify the number, species, DBH, and location of replacement trees, using the following criteria:

- (1) Combined DBH of replacement trees is equal to or greater than the DBH of the tree removed or;
- (2) individual replacement trees are of the largest transplantable DBH available.

Section 4.4 Screening

Section 4.4-1 Definition

Screening is a type of buffer that is designed to block or obscure a particular element or use from view.

Section 4.4-2 Purpose

The purpose of screening is to minimize if not eliminate entirely the visual impact of potentially unsightly uses.

Section 4.4-3 Where Required

Screening specified by this section shall be required of all open storage areas not devoted to retail sales visible from any public street, including open storage areas for shipping containers, vehicles, building materials, appliances, equipment, utility structures and pumping stations, trash containers of 4 or more cubic yards, salvage materials and other unenclosed uses.

Section 4.4-4 Type Screening Required

Screening shall be accomplished by an opaque divide not less than six (6) feet in height or the height of the object to be screened, whichever is greater. Screening may be accomplished by the use of sight obscuring plant materials (generally evergreens), earth berms, walls, fences, proper siting of disruptive elements, building placement or other design techniques approved by the Zoning Administrator.